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A F T E R N O O N S E S S I O N

1:10 p.m.

THE VIDEO OPERATOR: We're back on the record. The time on the screen is 1:10:59.

J A M E S E. N A R R O N,

resumed, having been previously duly sworn, was examined and testified further as follows:

CONTINUED EXAMINATION

BY MR. PAYTON:

01:11:00 01:11:10 01:11:10 01:11:12 01:11:12 01:11:14 01:11:18 01:11:24 01:11:28 01:11:30 01:11:32 01:11:34 01:11:36 01:11:36 01:11:38

Q. Mr. Narron, before I pick up the questions on page 27, let me just ask you a few other questions unrelated to that exhibit. You mentioned earlier that one of the things you had responsibility for earlier in your career were the part of Park 500 that dealt -- that was staffed by members of craft unions. Do you remember that?

A. Yes. When I was in maintenance engineering.

Q. Yes. Is the work force at Park 500 unionized?

A. Yes.

Q. Almost all of it, except for the

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management personnel?

A. And other than lab and wastewater technicians.

Q. Are you a member of a union?

A. No.

Q. Were you?

A. Not at Philip Morris.

Q. Could you take a look back at what's been marked Narron Exhibit 3. It's the R&D chemical analysis document.

A. The one that we already looked at?

Q. Yes. That one. You didn't recall receiving this document; correct?

A. That's correct.

Q. Turn to the second page where it shows how the distribution went.

(Witness complies.)

A. Mm-hmm.

Q. And it shows distribution essentially by position, all production and lab superintendents, all line 3 production supervisors, all lab supervisors, all area coordinators, all shift coordinators, and only your name, J.E. Narron.

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01:12:46 Do you know why this was distributed
01:12:48 to you?
01:12:50 A. No, because I don't recall getting
01:12:52 it.
01:12:56 Q. I guess I'm asking if distributions
01:12:58 like this are familiar to you, where it's all by,
01:13:02 essentially, position, and then you're named.
01:13:06 A. If I'm on a distribution, it normally
01:13:10 is my name. They don't normally on a line
01:13:14 distribution say, plant manager or whatever.
01:13:16 Q. You were -- I can't remember what you
01:13:18 were, but you weren't the plant manager.
01:13:20 A. No. Let's see. This was in '93?
01:13:24 Q. Yes. Early -- March '93.
01:13:26 A. I was the manufacturing operations
01:13:28 manager at the time.
01:13:36 Q. And it wouldn't -- I mean, you're the
01:13:36 only manager that received this, I take it. None
01:13:40 of the other descriptions are managers, those are
01:13:42 all supervisors, right?
01:13:42 A. I won't say I got it. I'm the only
01:13:46 one on distribution.
01:13:48 Q. That's what I mean. I'm sorry.
01:13:48 You're the only manager on the distribution

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list.

A. Correct.

Q. Do you have any idea why you're the only manager on the distribution list?

A. No, I sure don't.

Q. I'm through with that.

A. Okay.

Q. I'm just trying to figure that out.

Where we were, we were still in the pulper system, and that's the place where the raw materials, the stems and other tobacco material, the liquor -- are you familiar with the term "liquor"?

A. Yes.

Q. What is liquor?

MR. NUNLEY: In the context of Park 500?

MR. PAYTON: Yes, in the context Park 500. In the context of the RL process, yes.

A. Liquor is referred to by some of the personnel as the soluble stream when it has gone through the extraction section.

Q. Rich brown water is liquor?

A. It can be -- it is referred to by the

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operating personnel as the -- they call it RBW liquor, yes.

Q. And is SEL liquor?

A. Yes, it can be considered that.

Q. And CEL is liquor? All of the various concentrations of solubles are actually liquor?

A. They can be referred to as that by some of the operating personnel, yes.

Q. Are you familiar with the term "juice"?

MR. NUNLEY: Again, context --

Q. In the context of Park 500 or RL.

A. No.

Q. How about tobacco juice?

A. No.

Q. Never heard the liquor referred to as tobacco juice?

A. I can't say in the old days if somebody did or didn't. No, I don't -- sitting here, I don't recall referring to it as juice.

Q. The description on page 27 also mentions that something referred to as paraben is put in with the raw materials, the liquor, the

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broke, which we have discussed, and blended into a slurry.

What is paraben?

A. It's used to ~~eliminate~~ eliminate microbiological excursions.

Q. Microbiological excursions?

A. Mm-hmm.

Q. It's a preservative?

A. I really don't know if it's a preservative or not.

Q. I believe you ~~said~~ said that you were aware of tests that were done to determine the soluble content at various stages in the RL process; is that right?

A. The percent of solubles in a stream, yes.

Q. Yes. Is there a percent of solubles for the dry raw materials?

MR. NUNLEY: What do you mean, John? A test for that?

MR. PAYTON: Yes.

Q. Is there a test for that? Is that tested? Do you know, is there a percent of solubles for the dry raw materials?

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MR. NUNLEY: Objection. It's compound. I don't understand your second question. You mean is the test read in percentage, or is there a standard percentage? I don't understand what you mean.

Q. Is there an average percentage for the soluble content of the dry raw materials that go into the pulper?

A. We do hot water solubles. Yes. There is a range that it runs in, as a general rule.

Q. And what is the range?

A. I've seen it from 43 to as high as 52.

Q. You said hot water solubles. I think we saw a reference to that earlier. What exactly are hot water solubles?

A. I can tell you what the terminology is that we use, and the lab reports have it as hot water solubles. But beyond that I don't really know what it is.

Q. You believe that you use a test of hot water solubles to determine the soluble content of your dry raw materials that go into

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the pulper?

A. They do some tests, but I'm not familiar with what the test is or how they do it.

Q. Do you know if those tests are done before the RBW is added to the dry raw materials?

A. When you say if the test is done, I don't know today that we're testing it, sitting here. I know in years in the past we did, and it was of the raw materials prior to getting to the pulper.

Q. Do you know if you -- do you not do those tests today, or you don't know if you do those tests today?

A. I really don't know.

Q. I think earlier we were looking at a page in the RL process overview about the -- what was added to the dry raw materials in the pulper to form the slurry. And it indicated that WEL-2 was added, and you said, not today, it's not. Do you remember that?

A. Not that I was ~~aware~~ aware of.

MR. NUNLEY: Was it WEL-2 or 3?

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01:20:36 MR. PAYTON: 3, maybe.

01:20:42 MR. NUNLEY: Was it page 5?

01:20:46 MR. PAYTON: I think so. Is that

01:20:52 it? Yes, WEL-3, you're right.

01:20:52 Q. You said you weren't -- you didn't

01:20:54 know if that was done today.

01:20:58 A. That's correct. I don't know.

01:20:58 Q. Was there a time when it was done?

01:21:10 A. Not that I know about. No, not that

01:21:20 I personally knew about.

01:21:24 Q. Who does the test for the solubles?

01:21:26 Is that done by lab analysis?

01:21:28 A. Laboratory personnel.

01:21:30 Q. Within Park 500?

01:21:32 A. At Park.

01:21:36 Q. Do you receive reports of their lab

01:21:42 analysis on a routine basis?

01:21:42 A. No.

01:21:54 Q. Who do they do the tests for?

01:21:56 A. Who gets the report?

01:21:56 Q. Yes.

01:21:56 A. Normal testing that they do are

01:22:08 returned to the area personnel. I'm not sure who

01:22:12 gets -- if they do hot water solubles, who gets

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it. I'm not sure who gets that.

Q. Does lab analysis also test the finished product, sized sheet?

MR. NUNLEY: Let me just -- so the record is clear, you're referring to it as lab analysis. Do you know, is it lab analysis or lab services?

THE WITNESS: It's called lab services, is the -- laboratory services is the department name.

MR. PAYTON: Thank you. I didn't know that.

Q. Lab services do the tests for the solubles; that's correct?

A. Mm-hmm.

Q. Do they also test the final product, the sized sheet?

A. The dry sized sheet?

Q. Yes.

A. Yes.

Q. And do you know what they test it for?

A. I know of some of the things we test it for.

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01:23:12 Q. Go ahead.

01:23:12 A. The items that we have in their TQM book, total quality measures, they test for solubles, test for OV, and they test for each of the additives that's added to that sheet.

01:23:32 Q. You mean like DAP?

01:23:38 A. DAP?

01:23:38 Q. Yes.

01:23:40 A. If it's in that flavor system.

01:23:40 Q. What's the TQM book?

01:23:44 A. It's a total quality measures, and it's statistical graphs of those measures.

01:23:56 Q. It describes what tests are done by lab services?

01:23:58 A. No. It's the ones that we deem from a quality measure that we would like to know what that item is doing.

01:24:14 Q. I referred to the final product out of the RL plant as sized sheet. You referred to it as sized dry sheet?

01:24:26 A. Mm-hmm.

01:24:28 Q. That's what you referred to the final product as?

01:24:30 A. Well, we refer to the final product

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as RL, but --

Q. Okay.

A. I was distinguishing between the size press operation, and after it's dried and packed out, the final product being dried before we ship it out.

Q. Have you ever heard of it referred to as sized tobacco sheet?

A. I've heard it referred to as tobacco sheet. The finished product.

Q. But have you heard it referred to also as sized tobacco sheet?

A. No. Just as RL or tobacco sheet.

Q. Let's turn to page 42.

(Witness complies.)

Q. Page 42 is entitled "Press system line 1 and 2 - sequence in the process flow." Do you see that?

A. Mm-hmm. I see it.

Q. We have the -- in the process we have dry raw materials stored in the warehouse, transported to the pulper, put into the pulper. The rich brown water is added, and we get a slurry out of that?

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MR. NUNLEY: You don't mean that to be all-inclusive?

MR. PAYTON: I don't mean it to be all-inclusive.

Q. I'm trying to come up to the point where we are, and I want you to describe what happens after we have a slurry that has been made in the pulper. What happens next?

A. The slurry is pumped to the extraction section. Then it goes through the presses.

Q. So we have the pulper, which is just a large tank, okay, now full of a slurry; is that right?

A. Mm-hmm.

Q. What's the slurry look like?

A. It's brown in nature. You can see some of the stem particles and the other tobacco fines floating in it.

Q. And that is pumped out of the pulper into what?

A. A press.

Q. What's a press?

A. Lines 1 and 2, it's a screw inside of

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a housing with a set amount of clearance around that screw.

Q. So the slurry is pumped into another tank?

A. No. It's pumped direct into the press.

Q. But does the press -- let me just describe what I think you described, and you'll see my confusion. The press has a screw that you screw down, and what, the liquid comes up on top of the screw?

A. No.

Q. Okay. Describe it.

MR. NUNLEY: You're describing like a coffee press. That's not quite what it is.

MR. PAYTON: I admit that's what I described, because that's what I thought I heard.

Q. So that's what I'm saying. What's the press? Just describe it for me.

A. The press is a shaft, metal shaft with metal ^ flights on it, looking this way, and it runs horizontal to the floor, yea size. And then around that press there's --

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MR. NUNLEY: For the record, Jimmy, what do you think, three feet in diameter, something like that? Not diameter. Radius.

Q. Okay.

A. Then around that there is a screen that fits around it, and the clearance between the flights of the screw and the screen is adjustable.

Q. Okay.

A. So as the slurry passes through that, the sheer force of these flights with X amount of clearance around the screen squeezes the slurry and the liquor goes through the screen while the stock, the fiber portion is staying with it.

Q. So the screen is all the way around the inside of the cylinder?

A. Correct.

Q. And it is throwing the slurry into the screen inside the cylinder?

A. It's -- imagine that the screw is being filled with tobacco slurry, not thrown. It's not a violent action. It's just moving the slurry through. The flights have real close clearance so as the stock tunnels like this,

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going through there it squeezes it against the screen, which allows the liquors to flow through the screen.

Q. Okay.

A. And then they go into a container. And the stock, what we call the stock being the fiber portion, stays with it out to the end of the screw and it goes into a tank.

Q. And I understand from page 42 that the fiber goes into a stock chest; is that right? That's the terminology?

A. I need to read this to --

Q. It's just one sentence.

A. -- to make sure. I need to look at this flow to make sure.

Q. Okay.

A. If you're simplifying the process, you could say that the stock goes to the stock chest. It actually has to be diluted, go through another press. It goes through three presses. But it ends up into the stock chest.

Q. Yes, I think if we -- okay. You meant the fiber and the stock, those are interchangeable words? Fiber is stock, stock is

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fiber?

A. It's referred to in the plant as the fibrous material that's in the ~~stock machines~~ stock and machine chests, yes.

MR. NUNLEY: John, I didn't mean to give you a hard time about the coffee press.

Q. Let's turn the page, and I think the flow chart on the next page, page 43, actually shows the three presses that you just described, first press, second press and third press. Do you see that at the bottom on the flow chart?

A. Let me take a look at this. This -- yes. Mm-hmm.

Q. And the liquor that is collected beneath the press, press number 1, am I right that that is SEL and beneath press 2 it's WEL-2 and beneath press 3 it's WEL-3? That's right?

A. Yes, that's right.

Q. And that those go in order of concentration from higher concentration to lower concentration to even lower concentration of solubles?

MR. NUNLEY: Objection as to form.

Q. Is that right?

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01:33:24 A. The -- in relation to solubles, the first press liquor is higher than the second, and the second is higher than the third.

01:33:48 Q. You see the last paragraph on page 43? It's actually just two sentences. "The liquor that is squeezed from the stock slurry by the presses flow into a pan under each press. The liquor pumps in the liquor from these pans to the liquor cleanup system and a small amount to the PHT."

Do you know what the PHT is?

01:34:14 A. I would assume that -- I don't know how -- the purpose when they wrote that, but to me it stands for -- my assumption is pulper head tank.

01:34:26 Q. Am I right that this is describing a process by which a small amount of the liquor in the three pans underneath the three presses goes back to the pulper head tank?

01:34:44 A. I cannot say I'm aware of that. I'm not aware that any of the liquor is pumped back to the pulper head tank. Again, I don't know what's meant here by "the pulper head tank."

01:34:56 Do we mean when it goes through the

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01:34:58 dilution and it ends up as RBW and then RBW comes
01:35:02 back to the pulper head tank? If that's what the
01:35:06 author meant, then yes, it will. But that's a
01:35:06 guess. I don't know.
01:35:08 Q. Do you know if this is -- do you not
01:35:12 know, or is this wrong?
01:35:16 A. I'm not aware of any liquors going to --
01:35:22 from the presses going to the pulper head tank.
01:35:24 Q. But they could and you just don't
01:35:26 know?
01:35:26 A. That's a possibility.
01:36:20 Q. Then we go to page 48.
01:36:24 (Witness complies.)
01:36:36 Q. Page 48 is about the refiner system
01:36:38 that relates to lines 1 and 2. Do you know what
01:36:42 the purpose of the refiner system is?
01:36:44 A. Yes.
01:36:46 Q. What is it?
01:36:46 A. It's to separate the fibers that are
01:36:52 clinging together as much as possible and cut
01:36:56 them to the right length that's conducive to
01:36:58 forming a sheet in the machine room.
01:37:04 Q. The fibers that just naturally come
01:37:08 out of the dry raw materials once they're

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separated from the solubles won't form themselves into a sheet, they're too long?

A. They're still in a stem form, and you couldn't -- you could not make -- form a sheet with that. You have to have lots of small fine fibers. If you had chunks, you couldn't make a sheet.

Q. So what does the refiner do?

A. It separates them into many small fibers, and cuts them to a uniform length.

Q. Chops them up?

A. I don't know if I would call it chopping it up. It's referred to as brushing them, the refiners are, which is -- that allows them to separate.

Q. I guess I want to do it again. Can you just try to describe what the refiner looks like? You said it brushes them. Can you try to give me ~~a~~ an image here?

A. I use the brushing as a terminology of just kissing something, barely touching it. Refiner is a set of plates that's probably got teeth on them this ~~wide~~ tall. Set of plates that's probably

Q. Those teeth, that's about half inch?

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01:38:34 A. Something like that, maybe a little
01:38:38 less than half inch. And it's made up of about
01:38:46 six sections that equal something in about a
01:38:46 three-foot diameter.
01:38:50 So these plates have teeth on them
01:38:52 sitting here running, and you have another set
01:38:54 facing them, so as the stock comes between them,
01:38:58 and these teeth are rotating, they sort of kiss,
01:39:00 brush the fiber and causes them to separate into
01:39:02 many pieces.
01:39:24 Q. At the bottom it says it breaks down,
01:39:26 the fibrous tobacco material, into individual
01:39:26 fibers. Do you see that, that last little -- the
01:39:32 very bottom of the page?
01:39:36 A. Mm-hmm.
01:39:36 Q. That's what you were just
01:39:38 describing?
01:39:38 A. Correct.
01:39:50 Q. I want to go to page 85, which I
01:39:52 think picks up ~~describes~~ what happens with the fibrous
01:39:56 material. Are you there? It's called "Machine
01:40:18 chest system - sequence in the process flow."
01:40:22 A. Yes, sir.
01:40:22 Q. What's the machine chest?

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01:40:28 A. It is a rather large vessel. You
01:40:32 referred earlier to something, to something the
01:40:38 size of this room. It would probably hold the
01:40:38 same amount this room would hold if you turned
01:40:38 this room up on its end. So it's a large tank.
01:40:42 Q. So things come from the refiner and
01:40:44 go into the machine chest --
01:40:48 A. From the stock prep refiners. Then
01:40:50 it goes in, flows from there into the machine
01:40:54 chest.
01:40:54 Q. Is it physically transported? This
01:40:58 is no longer a liquid, right, or is it?
01:40:58 A. No, we're talking the fiber portion.
01:41:04 Q. Is it conveyed in there by a belt?
01:41:06 A. Mm-mm. It comes out of the stock
01:41:08 chest in the stock prep and it's pumped with
01:41:12 centrifugal pump through the refiners, and that
01:41:16 same pumping action takes it all the way over to
01:41:16 the machine chest. It goes through a pipe.
01:41:30 Q. And what happens in the machine
01:41:34 chest?
01:41:36 A. It has an agitator to get uniform
01:41:42 mixture within the chest. The flow out of there
01:41:48 is through a pump up through a machine chest head

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box. It has an agitator in it, and you can control the dilution of that flow. So you get the consistency to whatever you need to run the machine at.

Q. What do you mean --

A. And then it serves as feeding the refiners and the rest of the process.

Q. You said you can dilute it? What do you dilute it with?

A. I'm not sure if it's RBW or SBW. RBW.

Q. What is SBW? Or did you mean SEL?

A. No, SBW. RBW is rich brown water. Strong brown water.

Q. Where does SBW come from?

A. When you form a sheet on the Fourdrinier you form it on a fabric that looks similar to what a screen looks like, on a storm window, a screen. And for dewatering, the liquors flow through that screen and they go downstairs into what is called the SBW tank, and that shoots them back with the stock when you come back to the forming section in the head box.

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01:43:38 Q. Let's go to page 90.

01:43:38 (Witness complies.)

01:43:48 Q. This is the refining system. Is this new, or have you already described this?

01:43:56 A. No, I haven't described it. We haven't talked about this refining system.

01:44:00 Q. There was a refiner that we just went over.

01:44:04 A. In stock preparation, yes.

01:44:06 Q. Yes. And this is different?

01:44:06 A. Correct.

01:44:10 Q. So what's the refining system?

01:44:16 A. You've done rough refining back in the stock prep area, separating the fibers and getting to a certain length.

01:44:22 Q. Yes.

01:44:22 A. The person that runs -- the operator that runs the paper machine has refiners that he can fine-tune to the length that he needs the fibers to be that's conducive to good sheet formation. So the machine operator can adjust the length here and fine-tune.

01:44:42 Q. And that's what's described here? It says "fine tuned." It's just what you described.

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01:44:46 A. Yes. That's correct.

01:44:50 Q. Let's turn the page.

01:44:50 (Witness complies.)

01:44:52 Q. Page 91, which is the refiner system, purpose of the refining system. Do you see that?

01:44:58 A. Mm-hmm.

01:45:04 Q. What's a tickler? That was actually on the previous page, it mentioned a tickler also, showed a tickler refiner head box as what precedes the refining system. What's a tickler?

01:45:14 A. It's a name that's commonly used in the paper industry, where they make papers out of wood fiber, for the refiners that we're talking about in the machine room that they fine-tune it. So the terminology used in ~~the paper room~~ a paper mill is "tickler refiners." And we adapted that.

01:45:42 Q. So there's like two places where it's fine tuned, in the tickler end and the refining system?

01:45:46 A. No, the tickler refiners as you referred to here is one and the same, in the machine room. In the machine room.

01:45:52 Q. All right. So now just go back to

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page 91. You're already there. The first sentence reads, "Tickler refiners," which you just described, "provide a means of fiberizing the fibers into stock," then in paren it says, "(separates or splits the fiber) in preparation for forming a sheet of tobacco on the paper machine."

Is this describing the process, as you understand it?

MR. NUNLEY: John, let me just ask this. Mr. Narron, he's testified earlier he's not seen it before. If you're going to ask him about a page I think it's only fair to let him read it first.

MR. PAYTON: That's fair enough.

Q. Why don't you take a look at this page, Mr. Narron.

(Witness complies.)

A. I would say it's true other than the first paragraph. I'm not sure I agree with the first paragraph.

Q. What's wrong with the first paragraph?

A. Do the tickler refiners separate and

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01:47:04 split the fibers. Yes, it does. I'm not sure I
01:47:08 agree with the terminology used here after that,
01:47:12 "in forming a sheet of tobacco on the paper
01:47:16 machine." That's not the terminology that I
01:47:18 would use.
01:47:20 Q. What's the terminology you would
01:47:20 use?
01:47:22 A. The terminology used in the plant is
01:47:24 form a sheet -- if you're talking about beginning
01:47:30 after the head box through the Yankee dryer,
01:47:38 through the wet felt and the Yankee dryer. Then
01:47:40 the terminology is base web, and then the
01:47:40 terminology is tobacco sheet after the size press
01:47:44 when you reintroduce the solubles that you
01:47:44 removed in stock prep.
01:47:48 Q. Have you heard this referred to as a
01:47:50 sheet of tobacco by anybody else at this stage in
01:47:56 the process?
01:48:02 A. When you say "at this stage," are you
01:48:02 talking refining stage ~~about the refiner~~ --
01:48:06 Q. Yes, in the refining system, right
01:48:06 here in the refining system.
01:48:10 A. Not in the refining system.
01:48:26 Q. Were you unaware that there was at

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01:48:30 least this one Philip Morris document that
01:48:30 referred to the product at this stage that's in
01:48:32 the refiner system as a sheet of tobacco?
01:48:38 MR. NUNLEY: Well, John, look.
01:48:40 That's argumentative. He's told you he's never
01:48:40 seen the document before.
01:48:42 MR. PAYTON: I understand that. So
01:48:44 I'm asking --
01:48:44 MR. NUNLEY: How can he be aware of
01:48:46 it if he's never seen it?
01:48:48 MR. PAYTON: He may ~~be aware of~~ have seen other
01:48:50 documents. I didn't ask him about this
01:48:50 document.
01:48:52 Q. ~~Are~~ Were you unaware that Philip Morris
01:48:54 documents describe at this stage ~~in~~ of the process
01:48:56 these fibers as a sheet of tobacco?
01:48:58 MR. NUNLEY: John, this is what your
01:49:00 question was that causes me to object.
01:49:02 MR. PAYTON: I asked him a different
01:49:02 question.
01:49:02 MR. NUNLEY: But you told me that
01:49:04 wasn't your question.
01:49:04 MR. PAYTON: So I'll ask him another
01:49:06 one.

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01:49:06 Q. Are you aware that Philip Morris documents describe the fibers at this stage of the process as a sheet of tobacco?

01:49:22 A. No, I'm not aware -- I'm not aware of that.

01:49:42 Q. Is the stock delivery system the next stage in this process?

01:49:56 A. After the refining system?

01:49:56 Q. Yes.

01:49:58 A. If that includes the stuff box, it would be.

01:50:12 Q. Let's go to page 94.

01:50:14 (Witness complies.)

01:50:16 Q. Which is entitled, "Stock delivery system - sequence in the process flow." Why don't you take a look at that. I think it has the stuff box right there in the center. Do you see that?

01:50:30 A. Yes.

01:50:44 MR. BHATIA: I'm laughing, John, because "the stuff box" strikes me as a highly technical term. I guess stuff goes in it.

01:50:58 MR. PAYTON: I'll tell you, this is just among us -- you don't have to answer this,

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Mr. Narron -- but for most of these descriptions, I know what the words are, but I don't have a clue as to what happens.

MR. BHATIA: Join the club.

MR. PAYTON: I know these words. I know "wire."

Q. Anyway, is this the next stage in the process, Mr. Narron?

A. Yes.

Q. What happens in the stock delivery system?

A. From the tickler refiners, it goes to the stuff box.

Q. What is that?

A. It's just a box that has a ~~wire~~ weir for an overflow that sits up high in the ceiling, so there's a constant level in it, so it goes up to it, has an overflow that comes back and recycles. And the stuff box is there to maintain a constant head for a control valve that controls the weight on the paper machine. So you have a constant head. So from there it flows down to a fan pump and back up to the head box.

And it's mixed with SBW on the way

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back to the head box.

Q. Okay. The fibers at this point, you would refer to them as stock?

A. (Witness nods in the affirmative.)

Q. The stock, what does it look like once we're at the stock delivery system? What does it just look like?

A. It's brown in color, and it would look like short pieces of hair ~~from~~ off of your neck, mixed in and floating.

Q. Let's go to page 98.

MR. NUNLEY: I think after you have completed with this we don't need to have this inspection.

MR. PAYTON: It's the only way I'm going to understand it.

Q. Page 98 is the Fourdrinier section.

A. Yes, sir.

Q. "Sequence in the process flow." This is the next stage in the process; is that right?

A. Yes.

Q. What happens at this stage?

A. You're not asking me about this; you're asking me what happens here?

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Q. Yes.

A. The stock is delivered to a fan pump that mixes the stock with SBW, and it comes out on a Fourdrinier head box. The head box is a piece of equipment that's the width of the Fourdrinier section, and it's there to give even distribution to the sheet as you form the sheet.

The Fourdrinier is a fabric that is used for not only the formation of the sheet but for dewatering. Water drains through it, goes to the SBW tank, and it's like a recycling, it's reused back to the head box.

We use vacuum to help remove water and so forth. And then the formation of these fibers sticking together forming the sheet, at that point is transferred to the wet felt section.

Q. The fibers, the stock, is in the Fourdrinier section, and you said SBW is added; right? And we talked about the SBW ten minutes ago.

A. Almost -- the fiber portion on the way to the head box in the delivery system is combined with SBW for the right consistency into

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the Fourdrinier head box.

Q. And the SBW comes from where?

A. ~~Drains~~ Drainage from the Fourdrinier fabric.

Q. So the SBW that would go onto the fibers that come from our batch of dry raw material would be SBW from some other batch of dry raw material?

MR. NUNLEY: Objection as to form, John. You didn't really follow up on this, but I think the concept of batch is lost once it goes into the pulper.

MR. PAYTON: Let me just see if I can understand this.

Q. We do have fibers that come into the Fourdrinier section, okay? So it's on its way and now it's in the Fourdrinier section. On its way to the Fourdrinier section it is mixed in with SBW; is that right?

A. Right.

Q. And that SBW is SBW that came out of the Fourdrinier section?

A. Right.

Q. So it was there before the fibers got there, the SBW was there before the fibers got

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there?

A. Immediately before the fibers got there, correct.

Q. And this is where you describe it as -- it recycles the SBW?

A. Part of it is recycled and part of it as the tank gets full is an overflow that goes to what we call RBW.

Q. And is there -- there's an RBW tank?

A. Yes.

Q. Is there an SBW tank?

A. Yes.

Q. So the RBW and the SBW, are they pretty much the same thing?

MR. NUNLEY: Objection to form.

A. No.

Q. What's the difference?

A. The SBW is -- has some fiber in it, and it has to be circulated through some cleaners to take out the fibrous material, and it's a little higher in percent of solubles than RBW is.

Q. Now, the description of the Fourdrinier section on page 98, why don't you

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take a look at that.

(Witness complies.)

Q. Now I am asking you about that.

A. Okay. I've read it.

Q. Is this an accurate description of the process in the Fourdrinier section?

A. The only thing I differ with is tobacco sheet versus what we call sheet. Again, we don't call it tobacco sheet after the press. The same question we had.

Q. You don't even call it a web of tobacco sheet?

A. No. We don't. When you say how do I take this and what do I call it, no. I call it sheet.

Q. The "we" is who?

A. Upper management.

Q. Let's go to the next page, 99. It says, "The purpose of the Fourdrinier section." Why don't you read this.

(Witness complies.)

A. Okay. I read it.

Q. The first sentence says, "The Fourdrinier serves as the first dewatering

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media." What does that mean?

MR. NUNLEY: Objection. Calls for speculation. John, I'll tell you, I'll just tell you now, if you ever attempt to use this testimony at trial, I'm going to move to strike all of it, because as I told you, I mean, to put a document in front of a witness they've told you they never have seen before and to take him through it and ask him what it means, I don't think it has any evidentiary quality at all.

Q. Do you understand what the reference to dewatering media is referring to?

A. I may stay away from "media." ~~What does "dewater" mean?~~ Is this the first place that we dewater i understand that part.

Q. ~~Is this the first place that we dewater it, I understand that part~~. What does "dewater" mean?

A. It means to remove water from the slurry that's in the head box.

Q. And how do you do that?

A. By spreading it out on this fabric that I described earlier, and then using ~~trairs~~ foils, and flat boxes that has vacuum on it to remove more.

Q. Okay. And you just essentially suck

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off the water?

A. Some of it is naturally draining, and others, the vacuum is sucking it through the sheet.

Q. Do you see again where the terminology is "sheet of tobacco" and "sheet of tobacco" in this?

A. Yes. The last sentence?

Q. And the next to last sentence.

A. I -- other than the statement how it's written there, the same as I said before, I refer to it as a sheet.

Q. You refer to it as a sheet.

A. Correct.

Q. But aside from that, this accurately describes the process that I think you've described to me?

A. Just a general description.

Q. Would you go to page 105.

(Witness complies.)

Q. This is the "Wet felt section - sequence in the process flow." I think you've mentioned that the next stage is the wet felt section.

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A. Yes.

Q. That's hard to say quickly. What is the wet felt section?

A. The wet felt is a cloth-like material that is used to transfer the fiber sheet from the Fourdrinier to the Yankee dryer, so it's a means of moving it.

Q. It's like a conveyor belt?

A. Except it looks more like a piece of cloth.

Q. But it's moving?

A. Right. It's moving the fibrous material that's webbed together now over to the Yankee dryer service, and it takes out some water at the suction press roll.

Q. And the next stage in the process are the dryers, after the wet felt section?

A. Again, where the Yankee dryer and then the can dryers.

Q. Let's go to page 108.

(Witness complies.)

Q. Do you want to describe what the Yankee dryer does?

A. Not what's here, but you want me to

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personally describe it?

Q. Yes.

A. The Yankee dryer is approximately 16 foot, eight inches in diameter, and the same width as the Fourdrinier section, ~~148 inches~~ 148 to 154 inches, something like that. It's steam heating. And the sheet comes ~~off~~ off from the wet felt onto the dryer. As it passes around the dryer, the steam heating from the inside, that causes moisture to evaporate.

Q. Is the dryer like a belt?

A. No. It's a round drum.

Q. It's a drum. So it comes from the wet felt, which is a cloth-like conveyor, onto a drum?

A. Onto the side of the drum.

Q. Metal drum?

A. Cast iron dryer that we put a stainless steel coating on. So besides having heat on the inside for dewatering purposes, to drive off the water, it has a hood system that has hot heating, steam heated air, hot air blowing onto the sheet and returning back to a hose system, to a scrubber that takes some of the

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moisture out.

And it comes off the dryer on the opposite side where we have a doctor knife to take the ~~sheet off~~ sheet off and goes into a dryer.

Q. What's a scrubber?

A. Scrubber is where we take the water that's boiled off, where we take it to a vessel and spray it with cool water to get condensing.

Q. And what do you do with what's condensed?

A. It ends up -- it goes into the sewer at the waste treatment plant.

Q. And after the Yankee dryer, the sheet goes to the can dryer?

A. Correct.

Q. What happens in the can dryer?

A. The dewatering takes place, water removal.

Q. And what we have at the end of the can dryer you call sheet?

A. You call base web.

Q. You called it sheet up until we got to the Yankee dryer?

A. Correct.

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02:06:54 Q. And it is sometimes called tobacco
02:07:02 sheet in this document, but you would call it
02:07:06 just sheet?
02:07:08 A. I would call it sheet going onto the
02:07:14 Yankee dryer. And coming off, we call it base
02:07:14 web, from there to the size press.
02:07:22 Q. I want to go back and pick up the
02:07:28 liquor. Let's go back to page 57.
02:07:30 A. 57?
02:07:32 (Witness complies.)
02:07:32 A. You have to give me time to put these
02:07:44 glasses off and on here.
02:07:46 MR. NUNLEY: John, if you'll just
02:07:48 give me a continuing objection to this line of
02:07:50 testimony.
02:07:50 MR. PAYTON: Sure.
02:08:12 Q. Are you on page 57?
02:08:12 A. Yes, sir.
02:08:12 Q. Which is the press liquor cleanup
02:08:16 system.
02:08:18 A. Yes.
02:08:18 Q. "Sequence in the process." How does
02:08:30 the liquor system, the cleanup, work?
02:08:38 A. The liquor that's collected beneath

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the Renneburg presses?

Q. Mm-hmm. Those are the three presses that we talked about earlier?

A. That removes the solubles from the fibers?

Q. Yes. Right.

A. Correct.

Q. And those are referred to as Renneburg?

A. Renneburg presses.

MR. NUNLEY: 1 and 2, just to be clear.

A. Just on lines 1 and 2.

Q. And the third press --

A. They're all Renneburg presses on 1 and 2.

Q. But there are three presses?

A. In series.

Q. Okay.

A. And all of those are Renneburg presses. That's the brand name of them.

Q. So let me just -- I've confused myself. On line 1, for example, we will have three Renneburg presses in a row, press 1, press

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2 and press 3?

A. On A line, and 1, 2 and 3 on B line.

Q. And in line 3, we don't have Renneburg presses?

A. That's correct.

Q. We have what?

A. Vari-nips.

Q. So how does the liquor cleanup system work?

A. The liquor is collected in the press pan, as I was referring to, beneath the Renneburg press. It goes through cyclone cleaners for removing course sand. It goes through centrifuges for removal of fine sand and some fine materials that's in it. It goes through the evaporator where we boil off a lot of the water that's in it.

So the cleanup system refers to prior to the evaporator, from the Renneburg press to the evaporator.

Q. Why don't you take a look at the page, read this.

A. 57?

Q. Right, 57.

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(Witness complies.)

A. Okay.

Q. This accurately describes the press liquor cleanup system?

MR. NUNLEY: Objection as to form.

A. I don't understand the blending pulpers line 3 and stock prep pulpers line 1 and 2, where it shows them going into a press system. I don't know what the author intended here. They don't mix together. So I don't know what the author meant, that they were similar, and that's what he's showing. I would have to guess.

Q. That they both go into the -- that lines 1 and 2 go through a press system, press liquor cleanup system, evaporator system, CEL denitration, and line 3 does the same thing?

A. Yes, but not the same system.

Q. Not the same system, correct. But a system that has these components?

A. Yes.

Q. And the last box, which refers to CEL denitration, that's concentrated extract liquor? That's what's --

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02:12:40 A. That's the terminology.

02:12:40 Q. Yes. The actual last sentence on this page refers to a predetermined soluble target for concentrated extracted liquor. Do you see that?

02:12:52 A. Mm-hmm.

02:12:52 Q. Do you know what the predetermined soluble target is for CEL?

02:12:58 MR. NUNLEY: At what point in time, John?

02:13:00 MR. PAYTON: At this stage.

02:13:00 MR. NUNLEY: No, I'm saying, you mean today, or --

02:13:04 MR. PAYTON: Okay.

02:13:06 Q. Has it changed over time?

02:13:10 A. If it has it's probably been minute change. Minor, if any.

02:13:18 Q. So what is the predetermined soluble target for CEL?

02:13:24 A. First of all, I'm not sure that we refer to it as a target. We may or may not. I don't know the answer. But there's a range it has to be in for denitration system to operate properly. And as best as I remember, the range

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was 46, 45, 46, up to about 48 to 49 percent solubles.

Q. We're staying with the liquor. Is the next stage or the next thing that happens to the liquor that it goes to the evaporation system?

A. The next thing after the cleanup system?

Q. Yes.

A. Yes.

Q. Could you go to page 60.

(Witness complies.)

Q. Can you just tell me what happens in the evaporation system?

A. Not what this says. You want my -- okay. The material is stored after cleanup in the evaporator feed tank. That's just to supply the evaporator with a continuous flow.

It goes through the evaporator, where we boil off water to get the stream, the solubles in the stream leaving that, that we call CEL, up to this 45 to 49, something in that range.

Q. And is that achieved by actually boiling it, heating it up?

A. It's achieved by -- yes and no. When

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you say "boil," the evaporator has a jacket around it, in other words it's a round vessel and then it has another jacket around that, and that has steam in the jacket. The steam doesn't actually touch the product.

Q. Okay.

A. And then we have a vacuum system where we pull vacuum that lowers the boiling point. And between those two you boil off the water.

Q. The steam which is in the jacket doesn't reach the vessel, but it does heat the vessel up?

A. Correct.

Q. And lowering -- creating a vacuum lowers the boiling point?

A. Correct.

Q. And with the combination of the heat and the vacuum, do you in fact create boiling? Does it actually boil?

A. It vaporizes.

Q. It vaporizes. Why don't you take a look at page 60, see if that is describing the process as you understand it.

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(Witness complies.)

A. All I can remember of all this is that the SEL being strong extracted liquor, I'm not sure that that's -- ~~that that~~ doesn't have WEL mixed with it at times.

Q. You mean WEL? Is that what you just --

A. WEL, yes. I don't know that it has to be on the SEL. Pumped to the evaporators -- and again, the same terminology with tobacco sheet. We refer to that as being applied to the base web. Let's see. Centrifuges -- yes. The rest of it I remember.

Q. Do the percentages in the last paragraph refresh your recollection, are those close to what you understood, that the concentration of solubles in the SEL is eight to ten? Does that sound right?

A. Yes. Yes.

Q. And that the solubles in the CEL are approximately 49 percent?

A. The numbers I gave you, I've seen from anywhere from 45, 46, up to 49. In that range.

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02:18:36 Q. Can we go to page 71.

02:18:38 (Witness complies.)

02:18:54 Q. Page 71 is "CEL storage - sequence in the process flow." Can you tell me how CEL is stored?

02:19:00 MR. NUNLEY: As Jimmy knows, not as opposed to what's on the page?

02:19:04 Q. Yes, I'm asking you, Mr. Narron. I think you described, I asked you a few questions, it seems like hours ago, about storage of various liquids. How is the CEL stored?

02:19:22 A. When it leaves the evaporator, it's called CEL. It's pumped to a stainless steel tank that we call a CEL storage tank. That serves as a constant feed of the liquor to the denitration system. So it's -- and we have a set amount that we can contain of CEL.

02:20:00 Q. Okay. 1,500 gallons or something like that?

02:20:02 A. That I'm not sure of. I know that we set the limits of how much you can store. From that point on you've got to throw it away. So the exact number I don't know.

02:20:16 Q. And do you know how long the CEL is

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stored in the storage tank?

A. Exact number, no. I think I know approximately how long.

Q. Approximately.

A. Depending on the levels of DNCEL downstream and so forth, I would say two to no more than six hours. But two, three, four, ~~five~~ five hours, something in that magnitude.

Q. And are there occasions when it is stored for substantially longer, for days, for example?

MR. NUNLEY: The CEL?

MR. PAYTON: CEL.

A. For shutdown periods, where we have shutdown weeks, where we're down that many days, where we try to preserve it, so we have startup on those occasions.

Q. Let me ask, when we started out, we talked about the batch of dry raw materials that went into the pulper, okay? So if we just take that as the starting point, and then we go to the complete end of the process, which you've said is RL, okay?

A. After the size press?

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02:21:38 Q. Yes. How long, from batch goes into pulper to end of the size press?

02:21:42 A. Under normal running conditions, I would say that the fiber is somewhere between four to eight hours.

02:21:50 Q. That's how long it takes to go from start to finish of this process?

02:22:10 A. Yes. Four to -- generally four- to eight-hour range.

02:22:14 Q. Is the next stage in the process then denitration?

02:22:58 A. For the liquor system?

02:23:04 Q. Yes.

02:23:04 A. The CEL -- yes. Correct.

02:23:06 Q. Do you want to take a look at page 71 and see if this reflects the CEL storage process as you understand it.

02:23:08 MR. NUNLEY: Objection as to form. I think, John, this is really getting to the point where the entries on the page are -- I mean, there's so much information here. I don't think it's an appropriate question to ask the witness, is this accurate, unless you want to break it down on a line by line basis.

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I don't think it's fair to the witness.

MR. PAYTON: Why can't he just read it and say if there's anything wrong with it? So far it's been pretty much as he understands. That's all I'm asking.

Q. Mr. Narron, actually I'm going to say that's all right, you don't have to read this page and tell me that. I think you've explained how the CEL storage works. And that's fine.

Could you explain how denitration works, though, which is the next stage?

A. Again, what I know of the process, right? That's what you're referring to?

Q. Yes.

A. Yes. Denitration consists of a series of crystallizers that has a mixture of what is referred to as a brine mixture that's on a jacket, to chill it. The CEL goes through the crystallizers, and it's a series of them, and I don't know the exact number, eight, 12, something in a row, and the temperature is continuously in the lower -- to a lower number as it passes through these.

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It has a wiper inside of it, turning, and this change in the temperature and the residence time under that temperature causes the potassium nitrates to solidify. It's then that they'll solidify into ~~they're solidifying the~~ small pellets that flow within the liquor stream to the Sharples centrifuge where we segregate those crystals from the liquor stream.

Q. So first the -- it's sort of boiled and then cooled, that's how -- that's the stage of dealing with the liquor?

MR. NUNLEY: You don't mean in denitration.

MR. PAYTON: No, no. Before.

Q. Before.

A. Yes, it's heated and under vacuum causing ~~heating causes~~ the water to flash ~~flash~~ off.

Q. And after that it is cooled down. It is actually cooled, or is it just left to cool down and then cooled? Do you actually kind of refrigerate it?

A. No. As it goes through the crystallizer, the temperature changes and cools as it goes through there.

Q. How does the crystallizer cool it?

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02:26:54 A. It's a jacketed vessel. It's a round
02:26:58 vessel, horizontally, ten foot long or so, and it
02:27:02 has a dual jacket on it. The liquor flows on the
02:27:06 inside jacket. The outside jacket has what we
02:27:08 call a brine solution that's chilled to like
02:27:12 minus 18 degrees or so, that flows through that
02:27:16 jacket.
02:27:18 So the cooling effect of that on the
02:27:20 jacket to the inside cools down the temperature
02:27:22 of the CEL.
02:27:24 Q. Could the denitration stage have been
02:27:32 placed before the evaporation stage?
02:27:32 MR. NUNLEY: Objection. Calls for
02:27:34 speculation.
02:27:36 Q. Do you understand what I'm saying?
02:27:36 Could you crystallize the potassium nitrate
02:27:42 before you evaporated the SEL?
02:27:46 A. No.
02:27:46 Q. It has to go in the order it goes
02:27:48 in?
02:27:48 A. Yes.
02:27:52 MR. PAYTON: Let's take a break.
02:27:54 THE VIDEO OPERATOR: We're going off
02:27:56 the record. This ends videotape number 2. The

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time on the screen is 2:28:01.

(A recess was taken.)

THE VIDEO OPERATOR: This is videotape number 3, the continuation of the deposition of James Narron. The time on the screen is 2:56:58. You're on the record.

Q. We were talking about the denitration process, Mr. Narron. Do you remember that?

A. Yes, sir.

Q. Once the potassium nitrate is taken out through crystalization, what happens next?

A. It's not taken out through crystalization. It's crystallized and then the Sharples centrifuge removes the crystals from the liquor stream. The liquor is now stored and called DNCEL and is ready to go to the size prep.

Q. Denitrated concentrated extract liquor, DNCEL?

A. Correct.

Q. And that goes to its own storage, there's DNCEL -- or DN, as it's called?

A. It's referred both ways, but normally DNCEL.

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02:58:02 Q. There's storage for DNCEL?

02:58:04 A. Yes, sir.

02:58:08 Q. And where is that located?

02:58:08 A. I believe it's still in stock prep.

02:58:16 Q. And how long is DNCEL stored?

02:58:28 A. A few hours, but I'm not sure there's exactly. Normally there's less DNCEL than CEL, so it's less storage time. Two to four hours or something.

02:58:48 Q. Do you want to turn to page 83.

02:58:50 (Witness complies.)

02:59:30 Q. Actually I think ~~I think~~ I understand what you've described, and I think it's no different than what I understood. Okay. Am I right that the next stage, once we have the DNCEL, is the stage in the liquor processing where flavors are added to DNCEL?

02:59:56 A. Well, it goes -- it goes from the DNCEL storage tank to -- they pump it into the machine room, it's a mix tank, it's a holding vessel before they take it to the size prep and add the additives.

03:00:20 Q. Let me go to page 114. The size batch prep operations are next, then, is that

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correct? Is that what you just described?

A. Size batch prep operations, correct.

What page did you say?

Q. 114.

(Witness complies.)

A. Okay.

Q. Do you want to take a look at this page? Actually, before you look at that page, why don't you describe the size batch prep operations, another phrase you can't say quickly.

A. The DNCEL is pumped into a tank that's called the size prep tank. The additives are added with it. It's agitated. And then it's held to be pumped to the size prep -- to the size tank. One is the preparation tank, and then it's added to the other tank which circulates to the size prep.

Q. And am I correct that size is the tobacco extract and flavors?

MR. NUNLEY: Objection as to terminology.

A. It's the tobacco solubles or liquor that we took out in stock prep. And the

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additives that we add to it.

Q. And the tobacco solubles that are extracted, that you just described, tobacco solubles that are extracted, aren't those referred to as tobacco extracts?

MR. NUNLEY: By whom?

MR. PAYTON: By Philip Morris.

A. You say by Philip Morris -- not that I know of. Not by me or the management group that's at Park.

Q. You don't recall ever seeing any document that referred to the solubles that are extracted as tobacco extract?

A. I don't recall seeing that, no.

Q. Do you want to take a look at page 114, and just read that and take a look at the flow chart?

A. Okay.

(Witness complies.)

A. Okay. I've read it.

Q. This document, page 114, refers to tobacco extracts. Do you see that?

A. Yes. I do.

Q. And in referring to tobacco extracts,

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it is referring to the solubles that were extracted from the dry raw materials, isn't it?

A. I'm not sure what the author meant here. I assume it's tobacco solubles that was removed in stock prep, yes.

Q. You've never seen a reference to the term "tobacco extracts" being used to refer to those solubles before?

A. No, I don't recall seeing that.

(Narron Exhibit 8 for identification, Procedure for collecting SEL samples.)

Q. Mr. Narron, you've just been handed what's been marked as Narron Exhibit 8, a two-page document entitled "Procedure for collecting SEL samples." Bates number PA 483705 through PA 483706, or ~~2020749658~~ 2030749658 through ~~2020749659~~ 2030749659.

Have you seen this document before? I can tell you that from the production logs, it comes from lab services.

A. You have to give me a minute to read this.

Q. Sure. ~~I don't recall personally seeing~~ [redacted]

~~A. I don't recall...~~

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A. I don't recall personally seeing this.

I wasn't to -- this is,

Q. ~~This is~~ entitled "The procedure for collecting SEL samples." Do you see C, under "Safety precautions"?

A. Yes.

Q. You are aware that there are safety precautions that go along with handling liquids that contain nicotine? Are you aware of that?

A. No. No, I'm not.

Q. Are you familiar with the material safety data sheets that are kept by Philip Morris at various of its facilities?

A. I'm aware that we have MSDS sheets, yes.

Q. Do you have the MSDS notebook?

A. No.

Q. It's kept somewhere, but not in your office?

MR. NUNLEY: Do you know that there is an MSDS notebook?

MR. PAYTON: I know that there is a collection -- I don't know if "notebook" is the right term. There are sheets that are collected together into something, and maybe "notebook" is

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the wrong term, but they are collected.

MR. NUNLEY: Do you mean Philip Morris ~~specifically~~ specific, or just that are available for sale? I don't understand.

MR. PAYTON: No, no. Philip Morris. Philip Morris has material safety data sheets, okay?

Q. Mr. Narron, you're aware of material safety data sheets, aren't you?

A. Correct.

Q. What are they?

A. When you say "Philip Morris," I can speak for Park 500.

Q. Fine.

A. They are sheets that tell you what a substance is made up of, the safety precautions, the numbers to call in case you spill it or -- it's used in a number of contexts, et cetera.

Q. Do you see this reference to the material safety data sheet, MSDS number 05242?

A. Yes.

Q. That -- the next sentence is, "SEL is a tobacco extract and may contain high concentrations of nicotine which is readily

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absorbed through the skin"?

A. I see that, yes.

Q. You knew SEL was -- did you know it was a tobacco extract?

A. No. No.

Q. You knew it was extracted from tobacco?

A. In the extraction section, yes.

Q. What do you understand the tobacco extract to be? Or are you familiar with that phrase at all?

A. The word "extract" I'm not familiar with. Solubles, liquor streams and things -- but I truly don't know what's an extract.

Q. This is the first you've seen SEL referred to as a tobacco extract?

A. Yes. I don't recall seeing that -- seeing that before.

Q. Do you know who at Park 500 is responsible for keeping the MSDS forms?

A. Yes.

Q. Who is that?

A. Safety department that is referred to as the FSG or something, the facility safety

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group, that is the people in our safety department.

Q. Do you know if the MSDS sheets have to be filed somewhere outside of Philip Morris, or be filed with the fire department or something like that?

A. No, I do not. I don't know

(**Narron Exhibit 9** for identification, Philip Morris U.S.A. material safety data sheet.)

Q. Mr. Narron, you've just been handed what's been marked Narron Exhibit 9, which is a seven-page document entitled "Philip Morris U.S.A. material safety data sheet." It has production number PA 414191 through PA 414197, or 2030542024 through 2030542030.

MR. NUNLEY: Let me ask you, what is this designation? Just for the record, in the top right hand corner there's a bar coding, looks like it starts with asterisk 030130 asterisk.

MR. PAYTON: I do not know. I don't know. This was produced by you.

MR. ROGERS: That's not ours.

MR. NUNLEY: That's not a scanning

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number?

MR. PAYTON: It may be a scanning number, but I'm telling you the document you are looking at was produced by you, by Philip Morris.

MR. NUNLEY: I don't doubt that. That's not an after factory add-on?

MR. PAYTON: It's added on by either Hunton & Williams or Philip Morris. It is not our add-on. It came to us with that on it. Ours is on the bottom. Ours is the PA number only. So I don't know what that is. I assume it's production from another case.

Q. Mr. Narron, do you recognize this as a material safety data sheet? Have you seen material safety data sheets before?

A. Yes.

Q. Do you recognize this as a material safety data sheet?

A. Give me a minute to skim through this.

Q. Sure.

A. Can you repeat the question?

Q. Do you recognize this as a material

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safety data sheet?

A. Is it in the format that we have that I've seen sheets in?

Q. Yes.

A. It's in the format.

Q. Just sort of a by-the-way, at the top there's a line that says "Philip Morris," and there's a telephone number, a fax line. Do you recognize the fax number?

A. No.

Q. All right. Do you want to go to the second page?

(Witness complies.)

Q. Do you see that this is the material safety data sheet for the material named processed tobacco extract? Do you see that?

A. Yes, sir.

Q. Have you ever heard of processed tobacco extract?

A. No. I don't recall ever seeing that.

Q. Do you see on the very front page -- go back -- the MSDS number is 05242, do you see that?

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A. Yes, sir.

Q. Which is the MSDS number that is referenced in Narron Exhibit 8, or the previous exhibit, that is, the procedure for collecting SEL samples. I've forgotten the number.

MR. NUNLEY: It's paragraph C, Mr. Narron.

MR. PAYTON: Yes.

A. Yes.

Q. This is the material safety data sheet that is referenced there? You have to say yes.

A. The same number is.

Q. Let's go back to the RL process overview, back to page 114, where we were. And I've completely forgotten what its number is, but you have it in front of you.

(Witness complies.)

Q. What are the flavors that are added in the size batch prep operation?

A. The flavors that are added? I can tell you some of them. I'm not sure I know them all.

Q. Okay.

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03:17:32 A. PG.

03:17:38 Q. What is that?

03:17:40 A. Propyl glycol.

03:17:46 Q. Propylene glycol?

03:17:46 A. I don't know if it's propylene or propyl -- I'm not sure of the front word. But PG, glycerine, sorbate, paraben. Those are the common additives that I know about. 150-B, which is RLBT, I know has DAP and urea, and -- RLT I think is the right abbreviation, has cooked flavor.

03:18:56 Q. Once you add the flavors to what this refers to -- that is, the RL process overview -- as the tobacco extract, and which you referred to as just liquor, what do you call --

03:19:12 A. Tobacco solubles.

03:19:14 Q. What do you call what you have? Is that called size?

03:19:18 A. Once we've put the additives in, and it's mixing, then it's referred to as size.

03:19:32 Q. And where is size stored? Or is size stored?

03:19:38 A. There's two tanks in the size preparation room. And I don't know the exact

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03:19:44 gallons. I know it's somewhere around 1,200
03:19:46 gallon tanks, stainless steel tanks. One is a
03:19:52 prep tank with the tobacco solubles being added
03:19:54 and the additives added. And that's called a
03:19:58 prep tank.
03:19:58 And that's pumped to a tank that we
03:20:02 call the size tank, which feeds the size press.
03:20:06 So there's two vessels.
03:20:10 Q. Take a look at page 114.
03:20:10 (Witness complies.)
03:20:12 Q. The last sentence says, "Then they
03:20:18 are stored," and if you look at the previous
03:20:20 sentence that is referring to what you've just
03:20:22 described as size, "they are stored and supplied
03:20:24 when needed for applying to the base web sheet."
03:20:28 Do you see that sentence?
03:20:28 A. Yes, sir.
03:20:32 Q. Is that your understanding of what
03:20:32 happens to the size?
03:20:38 A. Yes.
03:20:42 Q. When is the size needed?
03:20:48 A. Continuously, if the sheet is
03:20:48 running. If you're running the base web sheet
03:20:52 through there, it's needed any time we're running

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the base web.

MR. NUNLEY: One thing I just thought of. I don't know, Alex, if you got confirmation, if the thing has been taken care of. We need to make sure somebody calls the judge. I know Tom is on vacation. I mean, he may be there until 5:00, he may not be.

MR. PAYTON: Let's take a break.

THE VIDEO OPERATOR: We're going off the record. The time on the screen is 3:21:46.

(A recess was taken.)

THE VIDEO OPERATOR: We're back on the record. The time on the screen is 3:35:16.

Q. Mr. Narron, you have just been handed what's been marked Narron Exhibit 10, I believe, a two-page document from D.L. Barfield to distribution. And if you look on the second page you'll see you're on the distribution. A 10/4/90 document, a Park 500 interoffice correspondence, production number PA 614575 to PA 614576, and 2031106565 to 2031106566.

(Narron Exhibit 10 for identification, two-page document from D.L. Barfield to distribution.)

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Q. Do you recognize this?

A. Give me a minute to read this.

Q. Sure.

A. The question is have I seen this?

Q. Yes.

A. I have seen the guidelines for when to dump liquors and stock. I'm not sure I've seen this exact document, but pieces and all I've seen here and there.

Q. It shows you on the distribution. You're not saying you didn't get it; you're just saying you don't now remember it?

A. I don't recall reading it, no.

Q. And the subject of this memo is "Guidelines for dumping liquors due to down time," and it says, dash, "Revised."

A. Right.

Q. You do recall there were guidelines for that circumstance?

A. Yes, I do.

Q. And what's your understanding as to when you dump liquors due to down time?

MR. NUNLEY: Objection as to form.

A. There were guidelines that said after

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X period of time, I don't recall the exact amount of time, but a period of time that the lab was sampling the material, there was a certain period of time you would add sorbate to help preserve it and a certain period of time you would dump it regardless, if it had set that long.

The exact numbers of what they were, I don't know.

Q. Now, is it the case that once you have a shutdown so that you have to deal with a shutdown situation, and you start back up, you use up the old liquor before you use up any new liquor?

A. When you say "shutdown," extended shutdowns?

Q. Yes.

A. Of like four hours or more, something in that nature, that was the procedure for using the old liquors first before the new liquors.

Q. Now, is four hours or more considered an extended shutdown?

A. I don't know if that's the exact number, but somewhere around that we start calling it extended shutdown.

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Q. Sometimes you would have a one-day shutdown?

A. Yes.

Q. Same guidelines, use the old liquor before you use any new liquor?

A. Correct.

MR. NUNLEY: On that last series of questions you asked, that assumes the liquor was not dumped; is that correct? You can read that and suggest maybe that you're ruling out dumping. I don't know whether you intended to do that or not.

Q. Yes. The last series of questions I asked you, Mr. Narron, do presume that the liquor wasn't dumped, that you saved some of the liquor and it became what we were referring to as old liquor as opposed to the new liquor.

A. I assumed you meant I had saved it and it was there to be used.

Q. Yes. Because sometimes you do in fact dump the old liquor; isn't that right?

A. Yes.

Q. And you dump it after it has exceeded its shelf life?

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03:43:04 A. I don't know if "shelf life" is the
03:43:06 right terminology. If it smells, there's an odor
03:43:12 or something about it, if it's set so many hours,
03:43:16 so many days, someone could have forgot to put
03:43:20 sorbate to preserve it, left an agitator off in
03:43:22 the tank, if for those reasons microbiological
03:43:28 numbers go up, for those reasons, yes, we would
03:43:30 dump.
03:43:32 Q. I think earlier we were discussing a
03:43:34 similar issue, and I think you said that because
03:43:38 of microbiological activity, liquor would spoil;
03:43:46 is that right?
03:43:46 A. Correct.
03:43:48 Q. So if it becomes necessary, because
03:43:54 either the odor is bad or it spoils, to dump the
03:44:00 liquor, you dump it?
03:44:00 A. Yes.
03:44:04 Q. But unless that happens, you keep
03:44:06 it?
03:44:14 A. If we -- if someone forgets to leave
03:44:20 an agitator on or forgets to put sorbate to
03:44:22 preserve it and we should find that out 12, 15
03:44:28 hours later, even if we -- even if it doesn't
03:44:30 have a smell, at that point we may still go dump

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it and not take the chance that there's something wrong with it.

Q. With the exception of whether or not the sorbate, which is a preservative, is put in there, with the exception of that, you will keep liquor that is old until it either goes bad or has a bad smell?

MR. NUNLEY: Wait a minute. John, are you asking him are there other reasons to dump liquor other than spoilage? Is that in essence your question?

MR. PAYTON: Yes.

Q. Are there other reasons to dump liquor besides spoilage?

A. Yes.

Q. What are they?

A. We have a maximum inventory level that we maintain for the liquor that's stored prior to the evaporators, the CEL, and the DNCEL. If we are -- there's a maximum storage level that we've designated. Any further liquors would get dumped.

Q. You exceed the ability to keep the liquor, you've got to shed it?

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A. We have other storage tanks, but we don't use those. We just set a limit at what we think that would be the best to eliminate microbiological excursions. So when you reach that limit, the rest you would dump.

(**Narron Exhibit 11** for identification, Park 500 RL processing lab shift technician T-3 training manual, first edition, 1994.)

Q. You've been handed what's been marked Narren Exhibit 11, a document that is a manual, quite a number of pages, entitled "Park 500 RL processing lab shift technician T-3 training manual, first edition, 1994." It has a production number of PA 445748 through PA 445831, and Philip Morris production 2030807182 through 2030807265.

Have you seen this manual before, Mr. Narron?

A. No, I have not.

Q. Did you know this manual existed, processing lab shift technician training manual?

A. No.

MR. NUNLEY: John, let me just point

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something out for the record. I notice on your production number or your number 445788, and Philip Morris production number 2030807222, do you see that page?

MR. PAYTON: Yes.

MR. NUNLEY: I notice in the revision history that the latest revision on this document appears to be April 14, '94. And since it was included as part of this, I would imagine this document is dated after April 14 of '94, on or after April 14 of '94.

And because of that, I think that under the Court's ruling it would not be relevant.

MR. PAYTON: Chip, I understand what you're referring me to. I guess I'm not sure exactly what it means about everything else in this manual. That is, I'm not sure if it's referring to that section or -- it's unclear to me.

I think -- the issue is whether or not it's just referring to one little section of this. The reference here is to PK 411-101, and I don't think either one of us could actually

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figure out what this is referring to right now.

OKAY. Let me tell you what it looks like. If you go back three pages, it looks like it's just referring to the -- actually the Wylie mill, whatever that is, cleanup procedure. I don't know what the Wylie mill is and I don't intend to ask about it, actually.

MR. NUNLEY: My only point is that it at least means that the document was assembled on or after 4/14/94.

MR. PAYTON: It looks like there are things that are inserted. It looks like -- you're right, it looks like things that are inserted as they are revised. That's exactly what I think it refers to. I hear what you're saying, and we will have to sort that out. So, I mean, to the extent there's an objection here, you have preserved it.

MR. NUNLEY: Okay.

Q. Mr. Narron, I would like you to turn to the number at the bottom that reads PA 445790.

(Witness complies.)

A. PA 445790?

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03:52:32 Q. Yes. It actually reads as page 3.26 at the bottom in here. Do you see that?

03:52:38 A. Yes, sir.

03:52:38 Q. And if you turn back one page you'll see that this is a new section or chapter entitled "Middle aisle." Do you see that?

03:52:50 A. Yes, sir.

03:52:50 Q. If you turn back to the page I directed you to, 3.26, it's entitled "Solubles determination." And it's talking about the middle aisle where the percent solubles are measured on the finished sheet.

03:53:04 Are you familiar with the term "middle aisle"?

03:53:08 A. No. No, I'm not.

03:53:16 Q. What's the RL processing lab?

03:53:24 A. It's where laboratory services produces their products and services.

03:53:32 Q. I see. It's a part of laboratory services?

03:53:34 A. It is the laboratory services there.

03:53:40 Q. Oh, I see. The RL processing lab is lab services?

03:53:46 A. Yes. The --

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Q. I was confused. I mean, I wasn't trying to trick you at all.

A. When people say "the RL processing lab," using that terminology, they are referring to the laboratory service area.

Q. I want to direct your attention to the third paragraph on the page I directed you, "Solubles determination," under "Base web solubles," to see if this refreshes your recollection or if you have heard of any of this terminology.

"Base web solubles are a measurement of the dissolved solute in the base web. This is the basic refined tobacco sheet before the denitrated concentrated and flavored juice," "juice" is in quotes, "is reapplied to make the final finished product."

Is that terminology familiar to you?

MR. NUNLEY: Which portions of it, John?

MR. PAYTON: The terminology that refers to tobacco sheet, being the stage before the denitrated concentrated and flavored juice is reapplied.

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03:54:58 A. Is the question -- ask me the
03:55:00 question once more to make sure I got it right.
03:55:02 Q. Yes. Do you see that the reference
03:55:04 here to tobacco sheet is to tobacco sheet before
03:55:10 the DNCEL and flavors are added?
03:55:18 A. I believe that's what's being
03:55:20 referred to in this.
03:55:22 Q. And you've never -- I mean, you have
03:55:24 objected to the term "tobacco sheet" used in this
03:55:30 way. I'm just showing you another such use of it
03:55:30 and asking if you now recall any other times when
03:55:34 tobacco sheet is used in this way.
03:55:36 MR. NUNLEY: Well now, John, I think
03:55:38 to be fair here, clearly what the author appears
03:55:42 to be doing, he's referred or she's referred to
03:55:44 it as base web, and then it looks like to be more
03:55:50 specific they refer to it as -- speaking about
03:55:52 the base web, as basic refined tobacco sheet.
03:55:54 MR. PAYTON: I agree with that. The
03:55:56 author is using both terms, "base web" and
03:56:00 "tobacco sheet" or "refined tobacco sheet," to
03:56:04 refer to the same thing.
03:56:08 A. Is that a question?
03:56:10 Q. Yes. Is this jogging your memory at

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03:56:14 all that the terms "base web" and "tobacco sheet"
03:56:18 are sometimes used to refer to the same thing?
03:56:24 A. From a laboratory point it doesn't.
03:56:30 From an operator of the paper machine, will
03:56:40 they -- will some of them occasionally refer to
03:56:42 that as a tobacco sheet, and they may, yes.
03:56:48 Q. But you think the lab wouldn't? This
03:56:50 is a lab manual.
03:56:52 A. This is the first I've seen of it,
03:56:54 so...
03:56:56 Q. Have you ever seen any lab manuals?
03:57:00 Is this the first time you've seen a lab services
03:57:00 manual?
03:57:02 A. Yes, I believe so.
03:57:04 Q. So you don't know if lab services
03:57:10 manuals refer to the base web as the tobacco
03:57:12 sheet?
03:57:12 A. I have not seen other manuals, no.
03:57:30 Q. Are you familiar with --
03:57:30 MR. NUNLEY: Let me just tell you, if
03:57:34 you look at that page you've just asked, I count
03:57:38 the term "base web" being used I think seven
03:57:38 times, and only one reference to basic refined
03:57:44 tobacco sheet. So to say they're synonymous I

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think is misleading.

I mean, I don't see "refined tobacco sheet" or "tobacco sheet" used anywhere else on the page. It's always "base web."

Q. What's "finished sheet" refer to?

A. It's the product that leaves the tunnel dryer and is chopped up to a chevron ~~cutter~~ cutter and fine tuned in the OV to the rotary dryer. Once it's been chopped up and dried it goes into the packer and into hogsheads or cases.

Q. At the very bottom it says -- there's a reference to solubles, and then in parens it says, "Finished sheet base web processed liquors," et cetera. Do you see that?

A. Yes, sir.

Q. "Are determined by use of two types of refractometers, the American Optical refractometer and the Auto Abbe refractometer." Do you see that?

A. Yes, sir.

Q. Do you know what a refractometer is?

A. The only thing that I know of a refractometer is the hand held ones that -- where an operator can check solubles in the liquor

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04:00:44 stream. They put a drop on it, you hold it up to
04:00:48 the light and it reads the percent solubles
04:00:50 that's in the stream.
04:02:14 Q. Let's go to page 115 of the RL
04:02:18 process overview.
04:02:18 (Witness complies.)
04:02:24 Q. I'm through with that. I've
04:02:26 forgotten the exhibit number, but the training
04:02:28 manual. I believe we were on page 114.
04:02:34 A. Yes.
04:02:36 Q. Can we go on to page 115, which is
04:02:42 entitled "Size batch prep operations, purpose of
04:02:44 the size batch ~~process~~ Prep operations." I'm just
04:02:50 asking if you see on that page another reference
04:02:52 to tobacco extracts. Do you see that?
04:03:00 A. You mean the first sentence?
04:03:04 Q. Yes. You just don't recall
04:03:06 references to tobacco extracts as they apply --
04:03:10 as that term is used to apply to the solubles?
04:03:12 A. No. I don't. No.
04:03:44 Q. Let's go to page 148.
04:03:56 (Witness complies.)
04:04:00 A. All right.
04:04:00 Q. It's entitled, "What actually takes

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04:04:06 place with the sheet quality characteristics." I
04:04:08 actually want to focus your attention on the very
04:04:08 last section at the bottom, "RL color," and what
04:04:14 causes variations in RL color from light brown to
04:04:18 dark brown.
04:04:18 Is it your understanding that one of
04:04:20 the causes of a light sheet is old liquor and
04:04:26 flavors, or one of the causes could be old
04:04:26 liquor?
04:04:28 A. You're not referring to this, you're
04:04:30 just asking --
04:04:30 Q. I'm just asking you.
04:04:36 A. Old liquor is when -- yes, the sheet
04:04:38 could be lighter in color.
04:04:44 Q. And old liquor is what you said
04:04:48 earlier, it can be range of four hours or older,
04:04:56 could be a day? What do you understand "old
04:04:58 liquor" to mean?
04:05:00 A. Longer than four hours. It would be
04:05:04 a -- I haven't seen the light sheet when we
04:05:10 applied old liquors, unless it was at least a day
04:05:12 old.
04:05:20 Q. Besides the color changing, is there
04:05:24 anything wrong with the sheet that's made with

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old liquor?

A. We did lab analysis on all of the finished sheet characteristics, and no, there was -- we could find nothing wrong with the sheet.

Q. No subjectives --

A. I can't say that. I don't recall us running them through subjectives. We did a regular additive analysis, and they were okay.

Q. If old liquor is used and you get a different color in your sheet, is that used?

MR. NUNLEY: Is the sheet used in the final product?

MR. PAYTON: Yes, is the sheet used in final product.

A. If it's not too much of a difference between the normal sheet and the light sheet, yes, it may be used.

Q. Who decides?

A. When I was in the job of the manufacturing operations manager, I believe that I made the call at those points in time. I don't know if anybody else ever did, but I have made that call.

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Q. You just eyeball it?

A. And if it was a vastly different percentage, rather than have my primary customers complain about it and think there was something wrong with it, I made the call not to ship it.

Q. How often do you remember seeing off-color sheet?

A. I can remember two or three times since '85.

Q. That's all?

A. That's all I've seen.

Q. The only times -- I'm not talking about when you decided not to use it. How often would you even see it?

A. Other than them bringing me the sheet to view it, I may never see it, on the job, I ~~mean~~ in.

Q. In the day-to-day operation of the Park 500 facility, who is it that would look at the sheet to make any judgment about whether or not there is a problem with the sheet because of its color?

A. Lab personnel.

Q. And for the most part they make those

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judgments and you never know about it?

A. They would contact the machine room supervisor, and normally they would talk to the production superintendent, and where it goes ~~higher~~ any higher than that, I don't know, to the manager. But I basically wouldn't know.

Q. Let me ask you how the process works, back to the issue of size, size prep makeup. The size is added to the sheet in some quantity. How do you know what quantity of DNCEL to use for the size? Do you understand my question?

A. ~~I assume~~ I'm assuming you mean controlling the solubles ~~in~~ on the finished sheet ~~when you make up~~ how do I know how to make up the batches?

Q. That's right.

A. It's controlled many ways, but basically what they do is they take the data it's running at in the finished sheet versus what they have in the size prep, and they can vary the percent of solubles in the prep to do that. They can change the pressure on the size press roll to vary the amount that's on the finished sheet.

And the formation of the sheet, how it's formed in the Fourdrinier section and the

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04:12:26 moisture content of the base web as it comes in,
04:12:30 all play a part in what the finished sheet
04:12:32 absorbs.
04:12:40 Q. You can control to some extent the
04:12:42 amount of solubles that go into the finished
04:12:44 sheet; is that right?
04:12:44 A. Yes.
04:12:46 Q. What's the range of control you
04:12:46 have? It can go from what percent to what
04:12:48 percent?
04:12:54 MR. NUNLEY: John, I object on
04:13:02 the basis it's vague for this reason. Do you mean
04:13:04 within established parameters or do you mean what
04:13:06 is the reach of the technology --
04:13:08 Q. I mean what is the reach of the
04:13:10 technology. What do you understand you could
04:13:12 achieve with the system you have set up to put
04:13:16 solubles into the sheet? What's the range you
04:13:20 could go to? What's the --
04:13:22 A. Well, first of all, I could put none
04:13:26 on. I could just put additives, so whatever the
04:13:28 base web has.
04:13:28 Q. So what's the highest you could put?
04:13:30 A. Let me think. With today's hardness

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of the rolls, I would have to make a guess, because we've never done a test. I can give you an assumption. That's the best I can give you. We haven't done a test to see what's the highest I could get on it.

Q. Do you know what the highest is you have put on it?

A. For a test, I can recall up to about 52 percent.

Q. Do you know what the highest or do you recall what the highest is you've done for actual production?

A. 49 percent I believe is about the highest.

Q. And how do you decide what percent solubles to put into the production sheet?

A. Well, I have a low and a high specification range that I've got to be inside of, first of all, those two numbers, for it to be a good product.

Q. What is your specification range?

A. The exact number I don't know, but somewhere around 41 or 2 up to 48, 49.

Q. Could it be 44 to 48?

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04:14:44 A. I don't know if I've ever seen that
04:14:48 number. I remember seeing 41 and 42, and I've
04:14:50 seen 48 and 49.
04:14:50 Q. And how do you decide -- so that's
04:14:54 the range. You have a range of solubles.
04:14:58 A. Right.
04:14:58 Q. How do you decide what the actual
04:15:00 soluble number will be for any particular run of
04:15:06 sheet?
04:15:08 A. At any point in time?
04:15:08 Q. Yes. Right.
04:15:10 A. Depending on what my soluble
04:15:16 inventory levels are. You can't run on the high
04:15:18 side when you have low solubles. I'll run out.
04:15:22 Q. So that depends on how much DNCEL you
04:15:26 have in storage or SEL you have in storage or
04:15:26 CEL? When you say your solubles, it depends on
04:15:30 those storage inventories?
04:15:32 A. Normally it's the CEL and DNCEL.
04:15:36 Q. So depending on what their inventory
04:15:42 levels are, you will adjust what the level is you
04:15:44 want in your sheet?
04:15:46 A. As long as it's within the
04:15:48 specification limit.

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04:15:48 Q. Right.

04:15:50 A. Yes, sir.

04:15:50 Q. And you can adjust it up or down, as long as it's within the parameters?

04:15:56 A. Correct.

04:16:06 Q. How often do you end up adjusting the actual soluble level that you put into the sheet?

04:16:18 A. In day-to-day operation, I don't know the day. I wouldn't know that.

04:16:28 Q. Do you get reports on that? Isn't there a regular report?

04:16:30 A. No.

04:18:06 Q. Bear with me for a minute. I'm trying to be streamlined, believe it or not.

04:18:12 MR. NUNLEY: Take all the time you need for that purpose.

04:18:16 MR. BHATIA: There will be no disagreement.

(**Narron Exhibit 12** for identification, set of handwritten notes, from the desk of David Barfield.)

04:19:00 Q. Mr. Narron, you've just been handed an exhibit that's been marked Narron 12, I

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believe, a set of handwritten notes that have at the top "From the desk of David Barfield."

Do you know who that is, David Barfield?

A. Yes.

Q. And they are dated 5/22/90, and it says, in the two -- it says "To S prep supervisors," I assume that is stock prep supervisors, is that what you would assume?

A. I assume that is.

Q. It has production number PA 614577 through PA 614589, Philip Morris production number 2021106567 through -- I'm sorry, 2031106567 through 2031106579.

Would you look through this? It is a -- ~~A lot is~~ some forms that are filled in, if you look through it.

A. Do you want me to go through it?

Q. Just look through it and see -- what I want to ask you is if you recognize the forms, not the fill-in.

A. If I recognize the forms.

Q. Yes. You see the second page says "Section 4, task," and then it says, "Why is the

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operation necessary," and then it says, "When is the operation necessary." I'm reading the typed portion. It says, "Safety, key items." Do you see what I'm talking about?

A. Yes.

Q. Have you seen these -- I'm calling them forms, but this kind of document?

A. No, sir.

Q. Were you aware that there is a procedure for transferring liquor between lines 1 and 2?

A. I don't know if "procedure" is the right word. Did I know they had some kind of guidelines or something for doing that?

Q. Yes.

A. Yes.

Q. You were aware there were some guidelines that apply to transfers of liquor between lines 1 and 2?

A. Yes.

Q. And is liquor transferred between the lines when there is a low inventory of liquor on one line and the other line has enough -- doesn't have low inventory so you transfer liquor from

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one line to the other?

MR. NUNLEY: Objection as to form. You mean is that the only reason, or is that one of the reasons?

Q. Is that one of the reasons?

A. I hate to be redundant, but can you ask me that one more time a little slower?

Q. Is one of the reasons that liquor would be transferred between lines 1 and 2, either from 1 to 2 or 2 to 1, because there would be low liquor inventory in one of the lines and therefore you would have to go to the other line to get the liquor that you need?

A. Yes, that could be a reason.

Q. Do you know how that transfer would actually happen? Is there a line that connects the storage tanks?

A. I think it's done -- I think it's done today with tote bins.

Q. With a tote bin?

A. Tote bin.

Q. What's a tote bin?

A. It's a stainless steel vessel, probably around four or 500 gallon range.

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Q. And you would just use that to take liquor from one line's storage and take it to the other line?

A. Correct.

Q. Do transfers of -- I've been saying that the liquor would be transferred from storage from one line to the other. You said that would be from the CEL storage tank or the DNCEL storage tank?

A. I'm saying that those are the only two that I know of.

Q. How frequently, to your knowledge, is liquor transferred from one line to the other, between lines 1 and 2?

MR. NUNLEY: I'm going to object and ask you for a time frame.

Q. Oh, say in 1993, just pick a year.

A. The best answer ~~information~~ I could give you would be a guess.

Q. You don't have a --

A. I have no data that -- sitting here, that I did it one time or I did it many times. I really don't have the data.

Q. That's fine.

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(**Narron Exhibit 13** for identification, Line 2 documented liquor transfers.)

04:25:28 Q. You've been handed what's been marked Narron Exhibit 13, a two-page -- two documents. The first one is entitled "Line 2 documented liquor transfers." They're both the same kind of chart, documented liquor transfers from one line to another.

They have production numbers PA 127981 and PA 127982, or 2025321065 and 2025321066.

Have you seen this kind of chart before, Mr. Narron, a chart documenting liquor transfers between lines?

A. Not that I recall, no.

Q. Do you know if someone named -- I ruined this person's name before. Annamanthadoo?

A. Annamanthadoo? Yes, sir, I know him.

Q. Tell me who that is again.

A. He's had several different jobs, from engineer to -- but back recently he's had the job

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of process engineering superintendent. Most recently he's the maintenance and engineering superintendent.

Q. At Park 500?

A. Yes, at Park 500.

Q. Is it fair to say this appears to reflect various transfers of liquor from one line to the other? And it seems to be happening on a fairly regular basis, once a week, sometimes more than once a week?

MR. NUNLEY: Objection.

Q. Sometimes a little bit less? You can just take a look at it. It goes through '93, some parts of 1993, not all of '93.

MR. NUNLEY: Objection. I think it speaks for itself. I object to the characterization.

Q. Does this refresh your recollection in any way to -- as to how often liquor would be transferred from one line to another?

A. No. From day to day, I'm not involved with that. So I --

Q. Just wouldn't know?

A. No, I just don't know.

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04:28:42 Q. Do you know why liquor is transferred from line 1 to the other lines much more often than from lines 2 and 3 back to line 1?

04:29:00 MR. NUNLEY: Well, objection. You're saying as reflected on this document?

04:29:04 MR. PAYTON: Yes.

04:29:06 Q. In 1993, was there a -- do you know if there was anything special about line 1 that required it to receive extra liquor?

04:29:20 MR. NUNLEY: I object to that. Is it that it receives more or that it transfers off more?

04:29:24 MR. PAYTON: Transfers off more. I misspoke.

04:29:38 A. I have to answer that twofold. I don't know, first of all, that that really happens. But if it did, it might depend on which lines I'm running exports on and so forth.

04:29:58 I run export materials a lot on line 3 and line 1. And it could be a different blend or a different amount. Could be mechanical problems with the equipment. I mean, I don't know.

04:30:10 I know no reason, one reason that we

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would do that.

Q. Is the -- when you run the export lines, are you trying to put different level of solubles in the sheet?

MR. NUNLEY: You mean different --

Q. Different from the level of solubles you put into domestic sheet.

A. I don't know the answer to the solubles on the finished sheet. I know that the soluble levels may vary depending on the raw material blends that you use.

Q. So are there different raw material blends that are used for RL that is used for export?

A. With the 75/25 rule, it was.

Q. Okay. So what is the 75/25 rule?

A. Product that we make and use and sell in the United States, there's a law that requires that 75 percent of the tobaccos that we use are grown domestically.

Q. And that doesn't apply if it is a product for export?

A. I don't believe so, no.

Q. So there may be a different blend of

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raw materials for your domestic RL versus your RL for export?

A. Yes, for that reason.

Q. Let's suppose you are running on line 1 a blend for export, whatever that is, okay?

A. Mm-hmm.

Q. And you run it for the period of time you need in order to generate your export RL. Is there a typical period of time, a week, a day, two weeks?

A. No, there's not a ~~typical time it~~ typical time. It may ~~may vary~~ vary from one to two days to three weeks, depending on the size of the order.

Q. Let's assume it's just for two days. So you run line 1 with a blend of raw materials designed for export RL, and ~~at the~~ end of the two days, I guess, you shut down in order to switch back over to domestic?

MR. NUNLEY: You mean that line?

MR. PAYTON: That line, yes.

A. I'm not sure we shut down or if there is a conversion where we run the stock through and start feeding right behind it.

Q. So you may just run in the next batch

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into the pulper, you may put ~~in the mix~~ in the mix for -- mix of dry raw materials, the mix for domestic RL?

A. Yes.

Q. Okay.

A. The stock chest is dumped to the machine chest. Then we would start the next batch.

Q. And the CEL and the DNCEL that would then be in the tanks would be the CEL and the DNCEL that were the solubles extracted from the export dry raw materials; is that correct?

A. When you say "in the tanks," the answer could be yes or no. I mean, you have some liquors that was made from the previous blend. You send these liquors through and then you get new liquors coming behind it. So it depends which time you looked at it.

Q. Okay. So if it was just two days, it may not be enough liquor to have completely filled up the tanks, but if you ran it for three weeks, it would be?

MR. NUNLEY: Objection as to form. Mischaracterizes his testimony, John.

A. No, that's not true. That's not what

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I meant.

Q. Okay. What did you mean?

A. If I'm running for two days, I have X liquor in the CEL and DN tanks. As I pump the stock through I also bring the liquor through.

Q. Yes.

A. So I will have an empty stock chest and I'll probably have some empty liquor tanks. As I bring the stock for the new blend through, that liquor is now being ~~stored~~ stored separate these in ~~the~~ liquor tanks behind it.

Q. So there would be some of the liquor from the export raw materials in the tanks, but maybe not all the liquor in the tanks is from the export --

MR. NUNLEY: Objection. Mischaracterizes his testimony.

Q. Mr. Narron, isn't it the case that some of the liquor has to be from the export blend?

MR. NUNLEY: Some of what liquor, John?

A. I don't understand your question.

Q. Okay. As the last batch of export

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dry raw materials goes through, it goes through and it's separated, we have stock, we turn it into a sheet, we have liquor that's extracted, right?

A. Mm-hmm.

Q. And the liquor that's extracted goes to the CEL and the DNCEL tanks eventually; right?

A. Yes.

Q. And the last batch of stock that becomes sheet has DNCEL added back to it, right, and that comes from the tanks; is that right?

A. Of the same blend, yes.

Q. Of the same blend, right. And the DNCEL that goes into the tank, does it go into the top of the tank? Do you know how the plumbing works?

A. How the plumbing works?

Q. Yes.

A. Yes. It enters the top of the tanks.

Q. And the DNCEL that comes out to be applied to the sheet comes out of the bottom of the tank?

A. That's correct.

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04:36:32 MR. NUNLEY: Are you trying to ask
04:36:34 him if solubles taken from an export blend are at
04:36:38 some point reapplied to base web made for an
04:36:42 import or for domestic?
04:36:44 MR. PAYTON: Yes. Some solubles.
04:36:46 Q. In the circumstance where you get to
04:36:48 the end and you switch over from export to
04:36:52 domestic, and as you described it, you can have a
04:36:56 continuous run, you can just run the next batch
04:36:58 right behind the first batch.
04:37:00 MR. NUNLEY: Objection. John, that's
04:37:04 where -- I think what you need to ask him, do you
04:37:04 drain the tanks before you do a run, when you
04:37:08 finish one and go to the next?
04:37:08 MR. PAYTON: Let me ask him a
04:37:10 question.
04:37:10 MR. NUNLEY: But you're confusing his
04:37:12 testimony.
04:37:18 A. You have to ask me a question again.
04:37:44 Q. When line 1 is running on a blend
04:37:44 that is for export, and we're at the end of that
04:37:48 run, it's two days or two weeks, whatever the
04:37:52 time period is, there are circumstances where you
04:37:58 will simply run the next batch, which will be a

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04:37:58 domestic batch, right behind it. I think that's
04:38:02 what you testified, right behind it. It will be
04:38:04 continuous.
04:38:04 The next set of dry raw materials,
04:38:08 the next blend of dry raw materials that will go
04:38:12 into the pulper will be the domestic blend; is
that correct?
04:38:12 MR. NUNLEY: Objection.
04:38:14 A. I'm not sure it's continuous. I
04:38:16 don't know what you mean by "continuous." Is
04:38:18 there a break in there? There may be.
04:38:22 Q. Can you do it without there being a
04:38:22 break?
04:38:24 A. To answer that, I don't know.
04:38:26 Q. Do you know how you normally switch
04:38:30 over from export to domestic?
04:38:38 A. Today, no.
04:38:40 Q. How about, was there a time when you
04:38:42 do know how it was done?
04:38:44 A. Yes.
04:38:46 Q. And tell me the time period about
04:38:50 which you know how that was done. Is that in the
04:38:52 '80s, early '90s?
04:39:00 A. End of '90, '91 time frame.

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Q. '90, '91 time frame, were there situations where the switchover was essentially continuous, you just put the next batch right behind it?

MR. NUNLEY: Objection as to form.

Q. Do you understand what I mean when I say that?

A. Yes. At one point in time, if what I was making for the export was two blends for the exports, two flavor systems, if it was the RLBT on exports, and I was switching to a domestic product that was RLT, then yes, there would be a break in it.

If it was RLT that was being exported and the next batch that I'm making for domestic was RLBT, then I wouldn't necessarily have to make a break.

Q. So you could do it in the second case without a break, but not in the first?

A. That was correct.

Q. And when you say there was a break, what happened at the break? How long -- what do you mean when you say there's a break?

A. We were stopped, the physical making

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of the product, base web product.

Q. You just shut down the line?

A. Shut it down.

Q. And what would you do at the shutdown?

A. If the other line was on the formula that matched to the one I have for exports, then I could use the liquor, or if -- on that line as long as I didn't exceed specification. And in most cases we would in fact end up at least I would say half the time dumping it.

Q. You could use the liquor in the line you shut down on another line that isn't shut down?

A. If it was on the same type product.

Q. And is the same type of product, are you describing export or domestic, or are you describing a flavor system?

MR. NUNLEY: Objection as to form. Compound.

A. Prior to the 75/25 rule, it was the flavor system.

Q. So if it's the same flavor system, you could shut down the line and use the liquor

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in the storage for another line that isn't shut down?

A. If the other line wasn't at the maximum levels of inventory, I could maintain it.

Q. I assume if the other line needed it.

A. It was running on the low side, low levels.

Q. And once you -- prior to the 75/25, was there a difference in the blends that were used for export versus domestic?

A. I don't believe so.

Q. And when there's a shutdown, if you -- let me start again. After we have 75/25, the requirement that you have at least 75 percent I guess domestic components of your raw materials, is that how it works?

A. For domestic products.

Q. For domestic products. When did that come into effect, by the way, the 75/25 requirement?

A. I'm not sure. I don't know the exact date. I would say a couple of years ago.

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Q. In the '90s?

A. Yes.

Q. When you shut your line down after you used it to run an export blend for RL, were there times when the liquor from the shutdown line would be used on one of the other two lines?

MR. NUNLEY: What time frame?

MR. PAYTON: After we have the 75/25 requirement.

A. The only time I know after that would be if the other line was on the same exact export product, and the same flavor system, the exact same product.

Q. But you wouldn't use it for a domestic line?

A. To the best of my knowledge today, no.

Q. What would you do with it?

A. Discard it.

Q. Do you dump it?

A. Yes.

Q. And when you start back up, you start the line back up now, so the line is shut down,

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you dumped your liquor, and now you're starting back up a domestic product, okay? Where do you get your DNCEL for your initial production?

A. You would borrow it from the line that was making the same product. Remember, I got three lines and I'm probably making two products. So...

Q. Do you think -- strike that.

MR. NUNLEY: You were tempted, though, weren't you?

Q. The lines 1, 2 and 3 are never all at the same time making export product?

A. They are never making the same export product.

Q. Okay. So there's some times when they're making export product but it would be a variation among export products?

A. That -- I don't know of any time that we've been on all export products. What I do know is I can't run the same flavor system on all three lines.

Q. So if there is a different -- all export products don't have the same flavor system, do they?

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04:46:10 A. They have two different flavor systems.

04:46:10 Q. So it's possible that all three lines would be running export product but they may be using two different flavor systems?

04:46:18 A. That's possible. The only one I know is two lines on exports at one time. It is possible to have three.

04:46:26 Q. Have there been occasions in the last -- let's say 1993 and back, 1993, 1992, 1991, when you've only had two lines operating at all because one line has been shut down?

04:46:34 A. This is '93 back?

04:46:36 Q. Yes.

04:46:44 A. In '83.

04:46:48 Q. '83?

04:46:56 A. Yes, in '83, '84, that was true.

04:46:56 Q. Was it true in 1992 or '93, that you only had two lines operating? I'm not talking about the whole year, but for some period of time.

04:47:04 A. Other than the shutdowns that we take, the normal one week, two weeks type shutdowns, other than that, I don't recall.

04:47:06

04:47:08

04:47:12

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Q. For your normal one week or two week shutdowns, when do those occur? Are they scheduled?

A. They're scheduled in January.

Q. And when do they occur? They're scheduled in January. Do they occur in January? Do they occur in July?

A. It depends on the year that we will be dealing with.

Q. And what happens during the normal shutdown periods? Are all three lines shut down or is only one line shut down?

A. We've done it both ways.

Q. So sometimes one line shuts down and the other two lines operate?

A. Yes.

Q. For a couple of weeks?

A. Normally it's one week.

Q. Are there occasions when during that one week, when one line is shut down, the other two lines are doing export products?

A. I don't know yes or no. It's possible.

Q. Is there any reason it wouldn't

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happen like that?

A. There's a reason I wouldn't have both lines on exports on the same flavor system. We have reasons for that.

Q. But there would be no reason you wouldn't have the two lines that were operating on export as long as they had different flavor systems?

A. As long as line 3 is running and as long as one of the lines, 1 and 2, is running, because I can only pack out export cases on line 3 and one of the other two lines, I can't pack -- 1 and 2 cannot run two different flavor systems for exports and pack it out, because there's only one packing system.

Q. You said that if you have one line, let's take line 1, that is running after the 75/25 requirement, a blend for export, and it finishes its order, and it shuts down before it then begins producing for domestic, let's just assume that, how long would that shutdown be for, just typically?

A. I can't give you a duration. It would depend on how well you separated the fiber

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portion, the liquor portions coming, and then you start back. Assuming no operational problems, it could be two hours.

Q. Could be two hours?

A. Yes.

Q. Could be a day?

A. Oh, I don't recall of any situation being a day. Could be two to six hours depending on some processing problems.

Q. Why would you shed the DNCEL?

MR. NUNLEY: In that situation?

Q. In that situation.

A. The 75/25 rule, we want to make sure the raw materials that we begin with, in order to comply with that rule, we don't want to compromise that by taking the other solubles from a different blend that may not have been 75/25 that was used for export. We don't want to take any chance at violating the 75/25 rule.

Q. I want to go back to the circumstances under which you may transfer liquor from one line to another. I'm leaving the export issue completely out of this. Let's assume it's domestic production versus domestic production.

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Is it also the case that you may transfer liquor when there are problems with an evaporator on one line, and therefore you can't -- you're not making enough DNCEL or CEL on the other line?

A. Yes.

Q. If there are low solubles in the raw material on one line, would that also cause you to sometimes transfer liquor from another line to that line?

MR. NUNLEY: Objection as to form.

A. I only know of one occasion for that.

Q. Personally, you know this occasion personally, your own experience?

A. Yes.

Q. What's the occasion you remember when -- and what you're describing is when liquor was transferred from one line to another line because of low solubles in the raw materials on the receiving line?

A. Due direct to low solubles in the raw materials, I only know of one occasion of that.

Q. What's the occasion you remember?

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04:53:08 A. We had an occasion where we had low liquor levels. And we couldn't figure out why. And we decided to do or have the lab to check the composite of the raw materials, and it showed it extremely low at that time.

So we called the leaf department. In checking out the raw materials we found out the stems were from one crop year, which was against the agreement that we have with the leaf department.

So we called them up, we asked them to mix different crop years to get rid of variation, and they did, and the problem went away.

Q. You said there's a range of soluble levels, you said 41, 42, up to 49, that you can operate within in trying to put size into the sheet; is that -- did I describe that correctly?

MR. NUNLEY: Objection. I don't think that's correct.

A. A range for solubles on the finished sheet.

Q. Yes, that's what I mean.

A. Yes.

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Q. And that's about the range, 41, 42 to 49?

A. Correct.

Q. And within that range you can -- you can come within the range?

A. Yes.

Q. Do you know what the range itself is supposed to achieve? Is there a reason for that range? Why isn't it 30?

MR. NUNLEY: Objection as to form. Is the question why isn't the range 30?

MR. PAYTON: Yes.

A. Those are the specifications that were given to us through R&D.

Q. Do you know if those specifications, the range, relates to the subjectives of the sheet at the end?

A. I believe so. We had them smoked to check the subjectives, and the word that we got back was that range.

Q. Let's go to page 123 of the RL overview.

A. 123?

Q. Yes.

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(Witness complies.)

Q. Actually I want to ask you some questions before you look at that. The size press, what's the size press again?

A. It's two rolls that run together, one a hard and one a soft roll.

Q. Where is the doctor blade?

A. It depends on which doctor blade.

Q. I'm in trouble now.

A. Are you talking the size press?

Q. Yes.

A. It's on the hard roll side.

Q. And this is the operation that results in the size being added to what you call the base web, what I was referring to as the sheet?

MR. NUNLEY: What is, John? You said "this is the operation." What operation are you referring to?

MR. PAYTON: The size press operation.

A. That's correct.

Q. And the -- all of the size isn't used, some of it is returned?

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04:58:04 A. Is recycled?

04:58:10 Q. Yes. To the service tank?

04:58:10 A. No.

04:58:10 Q. What's -- okay.

04:58:12 A. Yes, to the service tank. It comes out of the service tank to the size press, and the overflow returns to the service tank, that's correct.

04:58:20 Q. And what's the service tank? Is it just a temporary holding tank? What is it?

04:58:24 A. When we talked about the size press batch makeup a while ago, the first tank that we added the solubles to and the additives is called a prep tank. The service tank is where you pump that into and then you circulate that back and forth to the size press while you make up another batch.

04:58:48 Q. And how long can you store size in the service tank?

04:58:52 A. Well, normally running the batch runs about somewhere around two hours.

04:59:28 MR. PAYTON: Let's take a break. There's ten minutes left on the tape, and I don't think I have a little 10-minute chunk here.

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04:59:36 MR. NUNLEY: Are we going to take a break with the idea of coming back this evening or are we stopping?

04:59:40 MR. PAYTON: Let's take a break and you can change your tape, and let's talk about what we ought to do.

04:59:44 THE VIDEO OPERATOR: We're going off the record. This is the end of videotape number 3. The time on the screen is 4:59:50.

04:59:50 (A recess was taken.)

05:18:40 THE VIDEO OPERATOR: This is videotape number 4, the continuation of the deposition of Mr. Narron. The time on the screen is 5:18:51. You're on the record.

05:18:52 Q. Mr. Narron, I want to go back for a second to a document, and I do not know what it was marked as. It is the handwritten notes of David Barfield -- is it number 12? -- which is what got us, I believe, started on whether or not and when there were transfers of liquor from one line to another.

05:19:20 You said you knew who David Barfield is. Who is he?

05:19:26 A. He was a production supervisor at one

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time that went to a production superintendent's job. And today he's an SPC coordinator.

Q. What is an SPC?

A. Statistical process control.

Q. Oh, I see. And he still works at Park 500?

A. No.

Q. Where does he work?

A. I said today. That's not correct. That was his last job at Park. Today he's in the leaf department, 95 their SPC coordinator.

Q. And that's the leaf department in Richmond?

A. Philip Morris leaf department.

Q. And in the upper right hand corner of this same exhibit, there's I believe a name, L. Maddra, do you see that?

A. Yes.

Q. Do you know who that is?

A. Yes, Linda Maddra.

Q. Who is that?

A. Today, she's the maintenance and engineering SPC coordinator. She was, I believe, in this time frame, if the dates on here,

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5/22/90 -- she may have been a production supervisor at that point in time. She was at one point in time.

Q. I want you to look at the second page.

(Witness complies.)

Q. It defines -- at the top it says, "Task, transfer DN," you see that, "from L-1 to L-2." It's hard to read. Do you see what I'm --

A. Yes, I see.

Q. And the DN, it's DNCEL, right? It's also referred to as DN?

A. At times, that's correct.

Q. And the next thing says, "Why is the operation necessary," and it says, "to aid L-2, line 2, when their denitrated liquor supplies insufficient to keep machine room running and L-1 has an excess, line 1 has an excess amount." This is all consistent with what you understand to be the case, too?

MR. NUNLEY: Objection as to form.

Q. Mr. Narron, I thought you testified that when one line doesn't have enough liquor and the other line has enough to get liquor from,

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that's when you go to the other line to get liquor.

A. Yes. That's -- since I haven't seen this before, but I believe that's what he means here. That's my assumption.

Q. The next typing says, "When is the operation necessary," and what he then says, that's Mr. Barfield, is, "whenever line 2 is in short supply and is in need of liquor." Do you see that?

A. Yes.

Q. And then it says, "Note, same applies to all three lines."

MR. NUNLEY: John, I'm going to ~~object~~ object only for this reason. I'm not a handwriting expert, but if someone were to ask me, I would say the handwriting on the page you're referring to is different than the front cover. So I don't know whether what's on page 2031106568 is, as you said, Dave Barfield talking or writing or whatever.

I'm not saying it's not. I'm just saying that it looks a little bit different to me.

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MR. PAYTON: I -- okay. I hear that.

MR. NUNLEY: That is the most noncommittal response.

MR. PAYTON: I don't know if it's correct or not. The note on the cover which is on the -- at the top, it says "David Barfield," says, "Here is the procedure for transferring liquor between lines 1, 2," okay? "Tote bin and" --

Q. By the way, tote bin is what you said is used to move the liquor from one line to another?

A. Yes.

Q. It says "tote bin" and then it says T-A-N-H-E-E-O-H-U. Do you know what that word is, Tanheeohu?

A. I've got to catch up with you. You're on the front page?

Q. Yes. It says, "Here is the procedure for transferring liquor between lines 1, 2," comma, and then it says "tote bin and," do you see that?

A. Yes.

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Q. Can you read that word?

A. No, I don't know that word.

Q. I don't know the word either.

MR. PAYTON: All I was saying, Chip, is that the front page, which is signed DLB, who I assume is David Barfield --

MR. NUNLEY: Yes.

MR. PAYTON: -- says, "Here is the procedure." I don't know if this is his writing or not. But it's what he attaches.

MR. NUNLEY: I don't have any problem at all with that.

Q. Go back to the second page, Mr. Narron. Under the last typewritten thing, "When is the operation necessary," it says, "Whenever line 2 is in short supply, is in need of liquor," then it says, "Note, same applies to all three lines." Do you see that?

A. Yes, sir.

Q. There is no mention here of the export domestic issue. Are you aware of any guidelines that exist that address the issue of when you transfer the liquor and the lines are export or domestic?

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MR. NUNLEY: You mean written guidelines?

MR. PAYTON: Written guidelines.

Q. Are you aware of any guidelines that deal with you should not transfer liquor from an export line to a nonexport line?

MR. NUNLEY: When you say "any guidelines," I think you include -- you may include written or oral.

MR. PAYTON: I mean written guidelines. I accept your correction.

Q. Are you aware of any written guidelines that address whether or not you can transfer liquor from an export line to a domestic line?

A. To date? Are you talking today, or --

Q. Today.

A. We asked to have the superintendent level people to formulate guidelines. Have I seen the guidelines that was formulated, the answer is no.

Q. Do you know when you asked the supervisors to formulate those guidelines?

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A. The superintendents?

Q. The superintendents, I'm sorry. When did you ask the superintendents to formulate the guidelines?

A. When we became aware that the 75/25 rule was in fact going to get passed as a requirement.

Q. So this would be a couple of years ago?

A. The best I can remember, it's in that time frame, yes.

Q. Is David Barfield a supervisor?

A. Now, in what time frame are you talking about? The 5/22/90?

A. Yes.

Q. I believe at that point in time he was the stock prep area superintendent.

Q. So the ~~superintendent advisors~~ supervisors reported to him?

A. The stock prep supervisors did.

Q. And actually this document, the first page, is addressed from him, it says "From the desk of David Barfield, to S press supervisors"; correct?

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05:27:06 A. Correct.

05:27:10 Q. Are these the guidelines that were sent out to deal with the transfer of liquor from one line to another?

05:27:18 A. That I don't know. I never saw the actual guidelines.

05:27:24 Q. You've never seen any written guidelines that govern the transfer of liquor from one line to another?

05:27:34 A. Ever?

05:27:34 Q. Except for these, I guess.

05:27:50 A. Give me a minute here. I'm trying to think. I don't recall ever seeing any in writing.

05:28:04 Q. Are you aware of any oral guidelines that were given to the supervisors regarding the transfer of liquor from a line that was used for export production to a line that was being used for domestic production?

05:28:26 A. Given to the supervisors themselves?

05:28:26 Q. Yes.

05:28:26 A. No, I wouldn't have been in those meetings.

05:28:30 Q. Are you aware of any such guidelines

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having been given?

A. The question to the superintendents is with the 75/25 rule, we talked about developing guidelines, have you done so, the answer back I got is yes.

Q. When was that?

A. When we were preparing for the 75/25 regulatory requirement.

Q. And for those guidelines to actually -- okay.

Could you take a look at what was marked as Narron Exhibit 13, which is the two-page document that is entitled on both pages, something to the effect, "Documented liquor transfers from line to line"? Do you have that?

A. Mm-hmm.

Q. Could you just look at the second page? It's a more complete page.

(Witness complies.)

Q. This purports to reflect transfers from line 1 to lines 2 and 3. Do you see that? That's what it says on the second typewritten line on here. And it goes from '92, a little of '92, and then into '93, up to May of '93. Do

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you see that?

A. Yes, sir.

Q. Would there be any way to know now whether or not any of these transfers were from lines that were doing export production to lines that were doing domestic production?

A. If packing records were available to say what was packed down in packing, I don't know that they are, but if they are, that would tell you what you were running.

Q. In this time frame, which is '92, '93, do you know, do you remember if line 1 was used for export production more often than the other lines?

A. In '92-93 time frame?

Q. Yes.

A. That I don't know.

(Narron Exhibit 14 for identification, collection of four weekly production reports.)

Q. Mr. Narron, you've just been handed what's been marked Narron 14, which is a collection of four weekly production reports. I think they're all -- they're not all. One is

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August 7, 1989. One is January 15, 1990. One is October 16, 1989. And one is May 22, 1989. It's very hard to read that date there.

MR. NUNLEY: You say one is May?

MR. PAYTON: Yes, the one where you can't see the date, it is under the trademark stamp.

A. May 22?

Q. Yes, I'm going to hold it up so you can see which one it is. It is this one, and the May 22 is actually under there.

A. I see.

MR. NUNLEY: Any reason it shouldn't go in chronologically?

MR. PAYTON: There's no reason.

MR. ROGERS: That's the way they are.

MR. NUNLEY: Oh, they are?

MR. PAYTON: You mean they were.

MR. ROGERS: I apologize. They're not.

MR. NUNLEY: The last one in my packet is '89.

MR. ROGERS: I apologize.

Q. I'm willing to make then

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chronological. I'm certainly intending to talk to you about them in chronological order.

I'm going to go through them and simply identify them in chronological order by Bates number. The first one is the one that is May 22, 1989, Bates number PA 198715 to PA 198716 or 2024411288 to 1289. The second is August 7, 1989, PA 198725 through PA 198726 or 2024411298 to 1299.

The October 16, 1989 is PA 198748 through PA 198749, or 2024411321 through 1322. The last one is January 15, ~~1989~~ 1990, PA 198696 through PA 198697 or 2024411266 through 1267.

Q. Each of these is -- I can't tell who the to and the from are, but each of them has as a first name on them a Mr. W.E. Poorbaugh, P-O-O-R-B-A-U-G-H, and there's a second name which is L.M. Alexander. Do you know who is the author, or are they both authors?

Before I ask you that, Mr. Narron, do you recognize the weekly production reports as a report you regularly received?

A. At one point in time, yes.

Q. You're on the distribution list, I

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believe, for each of these.

A. Mm-hmm.

Q. There's actually two Narrons. Who is the other Narron?

A. The other one was Gary Narron. It was a cousin of mine.

Q. And for a couple of these, I think, there's two of them, both of you were getting the weekly production report. What did your cousin do or what did he do then?

A. Let me go through the jobs. I don't know if I can say exactly on this time frame. But he was at one point in time the general superintendent in the maintenance engineering department. He's been the maintenance and engineering manager. And he's also been the manager of the waste treatment power house operation.

Q. All at Park 500?

A. Yes.

Q. At one time you got the weekly production reports?

A. Yes, sir.

Q. What is the weekly production report?

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05:37:50 A. Just a summary of what it says here, schedule production, total down time, major problems.

05:37:58 Q. And Mr. Whitman -- I'm sorry, Mr. Poorbaugh and Mr. Alexander, who were they?

05:38:12 A. Let me check my time frame so I can --

05:38:14 Q. Mr. Alexander must be sending this to Mr. Poorbaugh, is that right?

05:38:18 A. I would assume that's the normal order. It's going to, from somebody. It doesn't say it here but that's what I assume.

05:38:26 Q. Who was Poorbaugh? He is replaced in the second two with Mr. Whitman.

05:38:32 A. Yes. That's why I was looking for the time frames. He was plant manager, I believe, at the time these went to him.

05:38:44 Q. So Poorbaugh is the plant manager for the first two and Whitman is the plant manager for the second two?

05:38:50 A. I believe that to be correct.

05:38:50 Q. Who is Mr. Alexander or who was Mr. Alexander?

05:38:56 A. Ms. Alexander, Linda Alexander. She

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was the production administration coordinator I believe during this time frame.

Q. On the first one, which is the May 22, 1989, we're looking at that, it shows schedule production, total production, down time, unscheduled down time, budgeted yield, actual yield, lines 1 and 2 combined. It shows just numbers for the last week, I take it?

A. That's normally what this was.

Q. And then under that, for this one, there is an entry for line 1, and then there's a series of dates, May 15, 16, 17 and 19, and then line 2 and so forth. And am I right that what the entries are reflecting are unscheduled down times?

A. I wouldn't say unscheduled down time.

Q. Just all down time?

A. The -- her job was to look through any notes or anything that she had from daily reports, and to, as best she could, summarize the major events that contributed to how we ran that week. So what's scheduled, unscheduled, that I don't know.

Q. Let's check the first one. "May 15,

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minus 1.4 down time for low stock levels." Is the minus 1.4, minus 1.4 hours? Do you know?

MR. NUNLEY: Objection. I think it calls for speculation. If it had a little better foundation --

Q. This is a report you regularly received, correct?

A. Yes.

Q. What does the minus 1.4 mean?

A. I take it to be in hours, she wrote them down.

Q. And low stock levels would be low liquor or other stock? What does "low stock levels" mean?

A. To me, to me, it would mean low levels in the stock chest or machine chest.

Q. And that is the fibers?

A. That's correct.

Q. And the next one has the same entry, "Down time for low stock levels." May 17 says, "Minus 1.7 down time due to problems in blending." Does that tell you what the problem is, or is it just too general?

A. It doesn't tell me -- what it tells

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me is something happened in blending that shut the plant down.

Q. But you don't know what it is?

A. No.

Q. Let's go down to line 2. Do you see the entry ~~underline~~ underline 2, there's only one, "May 16th, minus 1.1, down time for low stock levels; no DN." And that is no stock or low stock, and no DNCEL?

A. That's what it says.

Q. Let's go to the second one. The second one, I hope I have my order right, is August 7, 1989. It's for the week ending 8/6/89, and it's the same format we see the numbers for the week, and then we have line 1. Do you see that, "July 31, minus one hour, one hour's low stock levels, paper ~~and~~ in blending feeder"? Yes?

A. Yes.

Q. Let's go down to August 4. August 4 says, "Minus 2.5 hours, low stock levels, ran BW." The "ran BW," does that refer to ran base web?

A. That's my assumption.

Q. Is that your understanding as to what

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this means?

A. Yes, based on my assumptions of BW, could be base web, that would be my assumption.

Q. Were there occasions -- what do you ~~What do you~~ understand "ran base web" to mean? Just ran it and threw it away?

A. Not necessarily that. ~~necessarily~~.

Q. What else would it mean?

A. It could mean ~~be~~ a series of stuff. It could be that it was spoiled and they threw it away. It could be that they ran it for 20 minutes until they had enough liquor available to put back on the sheet, and would then refed ~~rethread~~ it back into the pulper system. It could be either --

Q. Let's go to the next entry, "August 5, minus 3.2 hours, ran BW due to low liquor levels, and cleaned up packer conveyors after BW runs ~~ran~~." Do you understand that to mean that they ran the base web because they didn't have enough liquor?

A. I would assume that, yes.

Q. Do you assume that if they ran the base web without enough liquor, that that product was not used?

MR. NUNLEY: When you say "used," do

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you mean --

Q. Did it become broke? It wasn't used in a finished product, that's what I mean.

MR. NUNLEY: Well, the only problem with that is if it was fed back through the pulper it may well have been used in finished product. You mean it wasn't packed out --

MR. PAYTON: Wasn't packed out.

A. As finished product to the cigarette plants?

Q. Right.

A. No base web would be packed out as finished product.

Q. And if there wasn't liquor, if there wasn't liquor level or size put on it, it wouldn't be packed out either?

A. That's correct, it would not be.

Q. Are there any occasions when in fact base web without size applied to it is packed out to ~~make~~ make a -- just packed out to manufacturing?

A. No.

Q. Not even for test purposes?

A. Not in manufacturing, no.

Q. Do you want to go to the next page,

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line 2, you see the entry August 2, ~~water~~ line 2 there, it says, "Minus ~~2.89~~ 2.9 hours running BW no DN liquor"?

A. Yes, I see it.

Q. That looks like the same thing, running base web, no liquor?

A. Yes, sir.

Q. "August 3, minus 2.8 hours, running BW, no DN liquor," do you see that?

A. Yes, sir.

Q. "August 4, minus 2.4 hours, running BW, no DN liquor"?

A. Yes, sir.

Q. "August 5, minus 3.2 hours, running BW, no DN liquor"?

A. Yes, sir.

Q. Do you want to look down on line 3, same types of problems, August 4, on line 3, "Minus point 4 hours, running BW, no DN," do you see that?

A. ~~Yes~~ Yes, sir.

Q. "August 5, 3.2 hours, running BW, no DN"?

A. Yes, sir.

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Q. "August 6, minus 4.6 hours, running BW, no DN," do you see that?

A. Yes, sir.

Q. What's the problem here? Do you know?

A. I got no idea sitting here.

Q. If you go back to the first page it looks like for August 4, for some period of time, all three lines ran BW because they didn't have enough liquor, and two of the lines ran it on other days.

MR. NUNLEY: Is there a question, John?

Q. Do you know what could account for this?

A. No, I do not.

Q. When you just run BW, liquor is being generated on the line where you're just running BW, isn't it?

A. Not necessarily so.

Q. How could that be? If you are running what you are calling base web, BW, isn't that the result of solubles being extracted from the dry raw materials, and the liquor then gets

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concentrated and denitrated, and therefore you get DNCEL out of it, don't you?

A. If the rest of the plant is in a continuous run mode, there's no problems or anything, and the rest of the plant is running, then the normal processes would be running. But the assumption then is that the rest of the plant is running okay.

Q. But the only way --

MR. NUNLEY: I don't think he's finished.

Q. I'm sorry. Go ahead.

A. But it doesn't necessarily mean the rest of the plant ~~is~~ was running.

Q. I don't understand. You have to extract the solubles from the dry raw materials in order to make your sheet, don't you?

A. You have to extract it from the slurry mix.

Q. Yes. Correct?

A. Correct.

Q. So you are extracting solubles, which is creating some liquor necessarily, isn't it?

A. Again, I said if the process is

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running. If that part of the process is on line and running, then the answer would be yes. I just don't know if it's running at this time frame or not.

Q. Well, if you're running BW, don't you have to be extracting solubles from the dry raw material or from the slurry?

A. No.

Q. Why not?

A. It may be shut down. You can have mechanical problems and that part of the process could be shut down.

Q. And why would you then run the BW part?

A. Keep stock ~~beuff~~ from getting old, or could be -- you're asking me to guess at what it was. It may ~~could~~ be different things.

MR. NUNLEY: John, one point. The times indicated here I think are down times, not necessarily times that -- I mean, if it says, for example, 3.2 hours, I think that indicates it was run on the base web for the full 3.2 hours. It just represents down time.

Q. Mr. Narron, let's just focus on one

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of these dates. I'm on the August 7, 1989 of the first page. Look at August 4. Do you see that? It says, "Minus 2.5 hours, low stock levels, ran BW." Do you understand that to mean that the minus 2.5 hours is occuring because you ran the BW?

MR. NUNLEY: Objection as to form.

Q. Do you understand what this entry means?

A. In light of what you said, no.

Q. Do you know if it means that the base web was run for the 2.5 hours?

A. No, I don't take it to mean it was run in the continuous time. Apparently we ran some base web. How much, I don't know, looking at this documentation.

Q. Let's go to the next document. October 16, 1989. Do you see this one there?

A. You're on -- oh, the same page?

Q. No, October 16, to the next weekly report.

A. Got it.

Q. Okay? October 16, 1989. Same type of data. And then we get to line 1, and you see

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October 9?

A. Yes, sir.

Q. And it says, "3.6, ran base web to generate liquor." Do you see that?

A. Yes, sir.

Q. What do you understand that to mean?

A. The machine was down for 3.6 hours, and apparently we ran some base web, and to generate liquor, the rest of the process was properly running for extraction at the other end.

So the time we run base web to clean out the tunnel dryer and all those things you have to do if you run base web, after a length of down time for them to clean out the systems. So some base web is run. How much, I can't tell you.

Q. But this indicates that the base web was run to generate liquor?

A. Mm-hmm.

Q. What do you understand that to mean?

A. That the base web was ran, the stock levels for the machine stock prep must have had a drop and they put new stock into it. In going

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05:55:02 through this extraction section, we took out the
05:55:04 liquor.
05:55:06 Q. So you got the liquor but you
05:55:10 didn't -- I guess you discarded the base web?
05:55:14 A. I can't say that.
05:55:14 Q. It wasn't packed off to
05:55:16 manufacturing?
05:55:16 A. It won't go to manufacturing, that's
05:55:18 for sure.
05:55:32 Q. And the liquor that was generated
05:55:34 would have been used on some other batch of base
05:55:38 web, I take it?
05:55:40 MR. NUNLEY: Objection. Calls for
05:55:42 speculation.
05:55:54 A. I don't know how to answer yes or
05:55:54 no. I don't know how to time the fiber and
05:56:00 liquor to tell you that at any point in time they
05:56:02 were exact. So...
05:56:12 Q. Go to the next page. Under line 2,
05:56:18 do you see October 9, 2.2, it says, "Base web to
05:56:22 packing, no DN." What's "base web to packing"
05:56:26 mean? Does that mean it was shipped out?
05:56:34 A. No. No base web is shipped to
05:56:34 manufacturing. It's easier at times for --

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instead of standing, just prior to size pressing roll up base web in a sheet, a roll, and it's and have to man handle easier to take it to packing where it goes to the cutter and you chop it up and you put it into hogsheads.

It's easier to man handle that, and you can bring it back and put it in a pulper if you want to.

Q. Go down to line 3. Do you see the October 10, under line 3, it says "1.2 low stock levels, SP receiving batches slow from BL." Do you know what SP is?

A. I'm assuming they're referring to stock prep.

Q. "Stock prep receiving batches, slow from BL." What does that mean?

A. I have no idea what they mean from BL, other than that's the abbreviation for blending.

Q. Stock prep receiving batches slow from blended leaf?

A. No. It's not blended leaf. I would assume it has to be blending.

Q. I see.

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05:57:58 A. Blending department.

05:58:00 Q. I see. I see. And October 13 says "2.3 low liquor levels running BW." Let's go to

05:58:56 the second page of this one, under line 3.

05:59:02 MR. NUNLEY: John, where are you?

05:59:02 MR. PAYTON: I'm on January 15,

05:59:04 1990. To the second page, under line 3. There's

05:59:10 an entry there for January 9.

05:59:12 Q. Do you see that?

05:59:12 A. Yes, sir.

05:59:12 Q. It has three different down times.

05:59:18 The one that says "2.2," do you see that, "Low

05:59:24 machine chest level, processing liquor," do you

05:59:26 know what "processing liquor" means?

05:59:34 A. I don't know what she means by it. I

05:59:36 know what it means to me.

05:59:38 Q. What does it mean to you?

05:59:38 A. That the liquor or the soluble stream

05:59:44 is going through a cleanup, evaporator,

05:59:48 denitration, is going through the systems.

06:00:22 MR. PAYTON: I say let's break.

06:00:22 THE VIDEO OPERATOR: We're going off

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06:00:22 the record. The time on the screen is 6:00:30.

06:03:40 (Time noted: 6:00 p.m.)

James E. Narron 7/7/95

JAMES E. NARRON

Subscribed and sworn to before me
this 2 day of August, 1995.

Susan S Gray

My Commission Expires February 28, 1997

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C E R T I F I C A T E

I, LEE A. BURSTEN, a Registered Professional Reporter and Notary Public within and for the Commonwealth of Virginia, do hereby certify:

That JAMES E. NARRON, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of June, 1995.

Lee A. Bursten

LEE A. BURSTEN, R.P.R.

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(**Narron Exhibit 1** for identification, Philip Morris, Incorporated's answers to American Broadcasting Company's first set of interrogatories.)..... 30 21

(**Narron Exhibit 2** for identification, Line 1/2 potential quality measurements.)..... 54 14

(**Narron Exhibit 3** for identification, Research and development, chemical analysis section.)..... 60 15

(**Narron Exhibit 4** for identification, Philip Morris interoffice correspondence dated August 27, 1984, from S.E. Medek and T.L. Skidmore.)..... 69 19

(**Narron Exhibit 5** for identification, Park 500 interoffice correspondence from D.L. Westra to J.M. Whitman.)..... 80 24

(**Narron Exhibit 6** for identification, Philip Morris Companies, Inc.'s supplemental answers to American Broadcasting Company's first set of interrogatories.)..... 87 25

(**Narron Exhibit 7** for identification, RL process overview.)..... 91 16

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(**Narron Exhibit 8** for identification, Procedure for collecting SEL samples.)... 173 10
(**Narron Exhibit 9** for identification, Philip Morris U.S.A. material safety data sheet.)..... 177 8
(**Narron Exhibit 10** for identification, two-page document from D.L. Barfield to distribution.)..... 183 22
(**Narron Exhibit 11** for identification, Park 500 RL processing lab shift technician T-3 training manual, first edition, 1994.)..... 189 6
(**Narron Exhibit 12** for identification, set of handwritten notes, from the desk of David Barfield.)..... 205 20
(**Narron Exhibit 13** for identification, Line 2 documented liquor transfers.)..... 209 25
(**Narron Exhibit 14** for identification, collection of four weekly production reports.)..... 244 18

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